

# DEALER OPERATING MANUAL

## TABLE OF CONTENTS

TOPIC	PAGE NUMBER
Addresses	4
Attachments	
A – Application for Dealer, Auction, or Manufacturer License and Number Plate(s) (DOR-4682)	58
B – Dealer’s Monthly Sales Report (DOR-385)	59
C – Sample Bond	60
D – Sample Irrevocable Letter of Credit	61
E – Checklist for Buying and Selling a Motor Vehicle Without a Title	63
Administrative Rules	39
Advertising Practices	19
Application Requirements	
Completing the Application	10
Bona Fide Place of Business	13
Photograph	15
Franchise Agreement or Letter of Appointment	15
Corporate Surety Bond or Irrevocable Letter of Credit	16
Bona Fide Place of Business	13
Building Requirements	13
Business Hours	14
Business Records	31
Buyer’s Guide (Federal Trade Commission Used Car Rule)	31
Buying a Vehicle Without a Title	30
Certificate of License	16
Changes Involving the Dealership	
Change in Dealership Location	17
Change in Dealership Name	18
Partial Ownership Change of Dealership	18
Complete Ownership Change of Dealership	18
Buy-out of a Franchised Dealership	19
Terminating, Selling, or Abandoning the Dealership	19
Death or Incapacitation of an Owner	19
Complaints – Procedures for Handling	35

# **DEALER OPERATING MANUAL**

## **TABLE OF CONTENTS**

<b>TOPIC</b>	<b>PAGE NUMBER</b>
Completing the Sales Report	27
Consignment Sales	22
Corporate Surety Bond/Irrevocable Letter of Credit Requirements	16
Dealer Administrative Rules (CSR's) Table of Contents	39
Dealer License Plates	
Use of Dealer Plates	23
Additional Plates	23
Replacement Dealer Plates/Certificates of Number	24
Dealers Selling at Auto Auctions	22
Definitions	7
Disciplinary Action	36
Fees – Licensure and Miscellaneous	24
Financial Responsibility Required	
Penalties for Failure to Maintain Financial Responsibility	35
Franchise Agreement Requirements	15
Inspection of Records	31
Lemon Law Refunds	30
License Requirements for Auctions, Dealers, and Manufacturers	6
Licensure Requirements	9
Lot Requirements	13
Minimum Sales Requirement	25
Monthly Sales Report Requirements	25
Multi-Locations	17
Notice of Lien Filing	6
Notice of Sale	26

# **DEALER OPERATING MANUAL**

## **TABLE OF CONTENTS**

<b>TOPIC</b>	<b>PAGE NUMBER</b>
Off-Premise Sales	
Restrictions	32
Off-Premise Show	33
Perfecting a Lien When There is no Complete Change of Ownership	5
Phone Numbers	4
Record Keeping Requirements	30
Record Searches	6
Recreational Vehicle Shows	34
Required Proof of Ownership for Motor Vehicles	29
Requirement to License as a Dealer	6
Sales Report Completion	27
Selling a Vehicle Without a Title	30
Sign Requirements	14
Storage Lots	17
Subscription to Department of Revenue Information	5
Subpoena Power	38
Sunday Sales	32
Temporary Permit Records	31
Titling Information/Manual	30
Transferring Ownership of a Motor Vehicle	29

## **IMPORTANT ADDRESSES AND PHONE NUMBERS**

Titling/Registration: Motor Vehicle Bureau  
P.O. Box 100  
Jefferson City, MO 65105-0100

General Information: (573) 526-3669  
Salvage Information: (573) 751-4509  
Dealer Title/Verification: (573) 526-1234

Dealer Registration: Motor Vehicle Bureau  
Dealer Licensing Section  
P.O. Box 43  
Jefferson City, MO 65105-0043

Dealer Registration: (573) 751-8343  
Salvage Business: (573) 751-4469  
E-Mail: [DEALERLIC@dor.mo.gov](mailto:DEALERLIC@dor.mo.gov)

Supply Requests: Motor Vehicle Bureau  
Attention: Supply Request  
P.O. Box 100  
Jefferson City, MO 65105-0100

Supply requests by phone: (573) 751-8343  
Or: (573) 526-1234  
E-Mail: [DEALERLIC@dor.mo.gov](mailto:DEALERLIC@dor.mo.gov)  
Or online: <http://www.dor.mo.gov/mvdl/motorv/forms/>

“AS-IS” Stickers: Federal Trade Commission  
6<sup>th</sup> and Pennsylvania Ave, North West  
Washington, DC 20580  
FTC Phone: (877) 382-4357

Missouri Automobile Dealers Association  
3322 American Avenue  
P.O. Box 1309  
Jefferson City, MO 65109  
MADA Phone: (573) 634-3011  
E-Mail: [mada@mada.com](mailto:mada@mada.com)

Missouri Independent Automobile Dealers Association  
P.O. Box 1733  
Jefferson City, MO 65102  
MIADA Phone: 1-800-889-1073  
Or: (573) 496-3213  
E-Mail: [INFORMATION@mpada.org](mailto:INFORMATION@mpada.org)

## **FREE SUBSCRIPTION TO DEPARTMENT OF REVENUE INFORMATION**

The department offers several free e-mail list services to help you stay up-to-date on topics in titling and licensing processes and laws.

By subscribing to one or more of these services, you will receive:

- ✓ A monthly customized e-mail that provides timely titling information;
- ✓ Periodic e-mails relating to law changes, procedures, administrative rules, and reject issues; and
- ✓ Other important communications that will assist you.

For example, subscribers to the “lienholders” list will receive communications relating to titling and lien perfections but will not receive information relating to dealer licensure issues. **All subscribers will receive the “*Titling Tips*” and local tax chart updates on a quarterly basis.**

<b><u>LISTSERV NAME</u></b>	<b><u>DESCRIPTION</u></b>
Dealers	Issues that affect licensed motor vehicle/boat dealers
Lienholders	For anyone who commonly files liens on vehicles
Leasing	For motor vehicle leasing/rental companies
Salvage	For salvage business licensees
Towing	For towing companies that tow/title abandoned property
Insurance	For insurance companies that title salvaged vehicles
Titleservice	For licensed title services

To subscribe to an e-mail list service, send an e-mail to [majordomo@services.state.mo.us](mailto:majordomo@services.state.mo.us) with the message “subscribe (and the list service name)” in the body of your e-mail.

For example, to subscribe to the lienholders list service, enter “**subscribe lienholders**”. Do not type anything else in the body of the message. Remove any automatic signatures you may have included and leave the subject line blank. Your e-mail addresses are not shared or used for any other solicitation.

To cancel your subscription at any time, follow the above steps except list “unsubscribe (and the list service name)” in the body of your e-mail.

## **PERFECTING A LIEN WHEN THERE IS NO COMPLETE CHANGE OF OWNERSHIP**

In order to perfect a lien when there is no change of ownership, (e.g., adding a lien or name), the lienholder must submit:

- ✓ Five-part Missouri Application for Title and License (DOR-108) that contains the Notice of Lien (NOL) in the fourth and fifth copies;
- ✓ Certificate of ownership;
- ✓ \$8.50 title fee; and
- ✓ \$5.00 processing fee (\$2.50 for the NOL and \$2.50 for the title application).

If the lien perfection does not accompany the transaction, the title will issue and the lien will not be perfected.

### **FILE NOTICE'S OF LIEN AND COMPLETE RECORD SEARCHES ONLINE!**

By accessing [www.dorx.mo.gov](http://www.dorx.mo.gov) lienholders and dealers who have contracted with lienholders are now able to file their liens online by using the department's Lien Internet Filing Exchange system.

Dealers and lienholders who qualify under the Driver's Privacy Protection Act and are approved by the department may also access the department's motor vehicle and marine title and lien records using the online system. The online record search will check the department's title file, lien file, and reject file and provide the most recent record(s) in each file. The cost is \$1.25 per inquiry. If there is no record on file with the department, the \$1.25 is waived.

Access [www.dorx.mo.gov](http://www.dorx.mo.gov) today to apply for your online account number and security access code.

### **REQUIREMENT TO LICENSE AS A DEALER**

You must register as a dealer if you sell six or more vehicles in a calendar year unless you are:

1. A financial institution, or selling repossessed motor vehicles;
2. Disposing of vehicles used and titled solely in your ordinary course of business; or
3. A collector of antique motor vehicles. An antique motor vehicle is any motor vehicle at least 25 years of age.

For the purposes of sections 301.550 to 301.573, RSMo, the sale, barter exchange, lease, or rental with option to purchase of six or more motor vehicles in a calendar year by any person, partnership, corporation, company, or association, whether or not the motor vehicles are owned by them, shall be prima facie evidence of intent to make a profit or gain of money and such person, partnership, corporation, company, or association shall be deemed to be acting as a motor vehicle dealer.

Any person, partnership, corporation, company, or association who violates this section is guilty of a class A misdemeanor.

## **DEFINITIONS**

Missouri Statutes define the following:

**Boat Dealer:** Any natural person, partnership, or corporation who, for a commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be required as evidence that such person is eligible for licensure as a boat dealer under sections 301.550 to 301.573, RSMo. The boat dealer shall demonstrate eligibility for renewal of his license by selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as boat dealer pursuant to sections 301.550 to 301.573, RSMo.

**Boat Manufacturer:** Any person engaged in the manufacturing, assembling, or modification of new vessels or vessel trailers as a regular business, including a person, partnership, or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of vessels or vessel trailers.

**Manufacturer:** Any person engaged in the manufacturing, assembling, or modification of new motor vehicles or trailers as a regular business, including a person, partnership, or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of motor vehicles or accessories for motor vehicles.

**NOTE:** If you are a manufacturer and sell other vehicles in addition to what is manufactured, you must show "Manufacturer" and "Motor Vehicle Dealer" under type of operation on the dealer application. A "Manufacturer" alone is authorized to sell only the new vehicles/boats it manufactures. If you are a manufacturer and sell to the public, you are required to be licensed as a dealer. If you install "special bodies", i.e., dump, hoist, lime spreaders, etc., on an incomplete chassis, you must register as manufacturer.

**NOTE:** You can obtain information for issuing Vehicle Identification Numbers (VIN) by contacting the National Highway Traffic Safety Administration (NHTSA) at:

US DOT/NHTSA  
NSA-32, Room 6111  
400 7<sup>th</sup> Street Southwest  
Washington, DC 20590  
Phone: (202) 366-5302  
Online: [www.nhtsa.dot.gov/cars/rules/maninfo](http://www.nhtsa.dot.gov/cars/rules/maninfo) or  
[www.nhtsa.dot.gov/cars/rules/manufacture](http://www.nhtsa.dot.gov/cars/rules/manufacture)

**Motor Vehicle Dealer:** Any person who, for commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases, or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such person; provided, however, an individual auctioneer or auction conducted by an auctioneer licensed pursuant to Chapter 343, RSMo, shall not be included within the definition of a motor vehicle dealer. The sale of six or more motor vehicles or trailers in

any calendar year shall be required as evidence that such person is engaged in the motor vehicle business and is eligible for licensure as a motor vehicle dealer under sections 301.550 to 301.573, RSMo.

**NOTE:** Please see Administrative Rule 12 CSR 10-26.020 on page 44 for the provisions that allow a motor vehicle dealer to sell five or fewer boats/vessels without obtaining a boat dealer's license.

**Motorized Bicycles (Mopeds):** Sections 301.010 and 307.180, RSMo define a motorized bicycle as any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground. Motorized bicycles also include motorized scooters.

Since a motorized bicycle is neither a "vehicle" nor a "motor vehicle", the Department of Revenue does **not** title or register these units.

Persons engaged in the business of selling motorized bicycles do not have to be registered motor vehicle dealers; however, any retail store or dealer that sells motorized bicycles is responsible for collecting the sales tax due at the time of sale.

Motorized bicycles are not subject to Missouri's financial responsibility laws, nor Missouri law requiring the operator to wear protective headgear. The operation of a motorized bicycle is prohibited on a public street unless the driver holds a valid operator's license. The operation of motorized bicycles on interstate highways is also prohibited.

**New Motor Vehicle Franchised Dealer:** Any motor vehicle dealer who has been franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that make and motor vehicle and who may, in line with conducting his business as a franchise dealer, sell, barter, or exchange used motor vehicles.

**Powersport Dealer:** Any motor vehicle dealer who sells, either pursuant to a franchise agreement or otherwise, primarily motor vehicles including but not limited to motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in Chapter 306, RSMo.

**Public Motor Vehicle Auction:** Any person, firm, or corporation who takes possession of a motor vehicle whether by consignment, bailment, or any other arrangement, except by title, for the purpose of selling motor vehicles at a public auction by a licensed auctioneer.

**NOTE:** Please see Administrative Rule 12 CSR 10-26.080 on page 51 regarding procedural requirements that apply to Public Motor Vehicle Auctions.

**Sales to Minors:** The legal age at which a person becomes competent to contract in Missouri is 18 years. Although a vehicle purchaser does not have to be at least 18 years old to own a vehicle, a contract to purchase a vehicle signed by anyone younger than 18 is voidable. The minor can release himself/herself from the sales contract,



return the vehicle, and recover the vehicle purchase price paid, even though the vehicle has been used and deteriorated in value.

**Special Mobile Equipment:** In accordance with sections 301.010 and 301.133, RSMo special mobile equipment is not required to be titled and registered. Businesses selling special mobile equipment are not required to register as motor vehicle/boat dealers but must be registered with Business Tax and possess a Missouri Retail Sales Tax License. The seller must collect sales tax at the time of sale. If a motor vehicle/boat dealer sells special mobile equipment in addition to motor vehicles, the special mobile equipment sales should not be reported on the dealer's monthly sales reports submitted to the Motor Vehicle Bureau. To obtain a Missouri sales tax license, contact Business Tax at (573) 751-5860.

**Trailer:** Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle.

**Used Motor Vehicle Dealer:** Any motor vehicle dealer who is not a new motor vehicle franchise dealer.

**Vessel Trailer:** Any trailer, as defined by section 301.010, RSMo which is designed and manufactured for the purposes of transporting vessels.

**Wholesale Motor Vehicle Auction:** Any person, firm, or corporation in the business of providing auction services solely in wholesale transactions at its established place of business in which the purchasers are motor vehicle dealers licensed by this or any other jurisdiction, and which neither buys, sells, nor owns the motor vehicles it auctions in the ordinary course of its business. Except as required by law with regard to the auction sale of a government owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in connection with the retail sale of a motor vehicle.

**NOTE:** Please see Administrative Rule 12 CSR 10-26.070 on page 50 regarding procedural requirements that apply to Wholesale Motor Vehicle Auctions.

**Wholesale Motor Vehicle Dealer:** A motor vehicle dealer who sells motor vehicles only to other new motor franchise dealers or used motor vehicle dealers or via auctions limited to other dealers of any class.

**NOTE: Wholesale dealers may not make retail sales.**

### **LICENSURE REQUIREMENTS**

All dealer licenses and license plates expire December 31 of each year. Because Missouri law provides for no "grace period" in these matters, you must title and pay taxes on all motor vehicles, trailers, or boats that you buy and sell during the time you are not a licensed Missouri dealer. Each applicant who wants to be licensed as a new Missouri dealer, manufacturer, or auction must submit the following requirements:

1. Application for Dealer, Auction, or Manufacturer License and Number Plate(s) (DOR-4682);
2. Photograph of the applicant's building, lot, and sign, as applicable (refer to pages 13 and 14 for requirements);
3. Franchise Agreement or Letter of Appointment, if applicable;
4. Corporate Surety Bond or Irrevocable Letter of Credit (applies to dealers only); and
5. Appropriate fees.

The above requirements are further explained in the pages that follow.

1. **APPLICATION FOR DEALER, AUCTION, OR MANUFACTURER LICENSE AND NUMBER PLATE(S) (DOR-4682)** – (See Attachment A) The application must be completed in full and signed by one of the listed owners. The Dealer Licensing Section will reject any incomplete application.
  - A. **MAIL-TO ADDRESS INFORMATION** – Complete ONLY if the United States Postal Service will not deliver mail to your business location address because of security reasons such as theft or vandalism. You must provide a copy of the letter from the postal authorities that confirms mail cannot or will not be delivered to your business address. The letter from the postal authorities must be submitted with your application before a MAIL-TO will be considered for approval. The lack of a proper mail receptacle is not justification for the use of a "MAIL-TO" address.
  - B. **BUSINESS NAME** – List the name(s) to be used by the business, i.e., John Doe Enterprises, Inc., D.B.A. John Doe Auto Sales. The corporate surety bond or irrevocable letter of credit must be in the same name listed on the application. If your dealer license is approved and a title application is submitted under a name other than the licensed name, the title transaction will be rejected.
  - C. **BUSINESS ADDRESS/TELEPHONE NUMBER** – Provide your complete business address including street, city, county, state, and zip code. A STREET OR ROUTE NUMBER MUST BE SHOWN. Please record your business telephone number. A mobile phone is not acceptable.
  - D. **TYPE OF OPERATION** – Check the appropriate box in section 5, "Type of Operation(s)," on the application. Please refer to the definitions beginning on page 7 to determine the appropriate type of business operations.

**NOTE:** Powersport dealers are deemed to be a type of "motor vehicle dealer" (see page 8).

**Wholesale Dealers:** If you want to operate as a wholesale dealer only, you must meet all requirements applicable to wholesale dealers. As a wholesale dealer, **you cannot make retail sales.**

**Public or Wholesale Auctions:** If registering as an auction, please check “Public Motor Vehicle Auction” or “Wholesale Motor Vehicle Auction” in section 5 of the application.

**NOTE:** Auctions must keep their records separate from the dealership records and maintain a display area or lot separate from the dealership lot for auction vehicles.

**Manufacturers:** If you are requesting a manufacturer’s license, you must submit a letter that lists the makes of all motor vehicles/trailers/boats that you manufacture. If you are a “final stage” manufacturer/converter, list the makes of all vehicle bodies, i.e. dump, hoist, coach, etc., that you manufacture, and provide a brief description of your operation (a separate sheet of paper may be used if necessary).

Please indicate if you are the manufacturer of the bodies or if you perform the conversion work. Also indicate if you sell directly to the general public or if you sell the units to another dealer for resale to the general public.

**NOTE:** If you sell to the general public you must also apply for the appropriate dealer license.

- E. **NUMBER OF PLATES REQUESTED** – After you review the guidelines listed below, please record the number of motor vehicle plates, motorcycle plates, boat certificates of number, and/or boat trailer plates you will need in section 4 of the application in the area designated under “If new dealer or if changing quantity of plates, record below and submit correct fees.”

**Motor Vehicle Dealer Plates** – Standard-size (6-inch by 12-inch) license plates that can only be displayed on a motor vehicle, trailer, or motorcycle/motortricycle **held for resale** by a motor vehicle dealer/manufacturer.

**NOTE:** These plates may also be displayed on a boat/vessel held for resale by the dealership as long as the dealer sells no more than five boats/vessels per calendar year.

**Cycle Dealer Plate** – A motorcycle-size license plate that can only be displayed on a motorcycle or motortricycle being **held for resale** by a motor vehicle dealer/manufacturer.

**Boat Dealer Plate/Certificate of Number** – A fiberglass plate/certificate of number that measures 5 inches by 24 inches, to be displayed only on boat (vessel) trailers and boats that are being **held for resale** by a licensed boat dealer/manufacturer. The certificate of number must be carried in or displayed upon the boat during a demonstration on the waters.

**Boat Trailer Dealer Plates** – Standard-size (6-inch by 12-inch) license plates that can only be displayed on a boat trailer being **held for resale** by a licensed boat dealer/manufacturer.

**NOTE:** Public and Wholesale Auctions are not eligible for dealer plates because they do not own the vehicles being sold.

- F. **TYPE OF UNITS TO BE SOLD** – Check the appropriate boxes in section 8 of the application. If you indicate on the application that you will be selling new or used powersports and other types of units (motor vehicle and/or trailers), the Dealer Licensing Section will assign one dealer license number for selling/demonstrating all of the types of units indicated. If you indicate that you will be selling boats in addition to other types of units, the Dealer Licensing Section will issue you the same number for both licenses, with the exception of the first alphabetical character, i.e., D1234 and M1234.

**NOTE:** If you plan to sell fewer than six boats (vessels) per year, do not check the “boat” block, as you do not need a separate boat dealer license.

- G. **GOOD MORAL CHARACTER** – Missouri law requires all licensees to be of good moral character. Good moral character is determined through a criminal record check made by the Missouri State Highway Patrol of all owners, partners, or principal officers (if a corporation) listed on the application. The birth dates and social security numbers of all owners, partners, and principal officers (if a corporation) must be recorded on the application in order to facilitate the record check.

**NOTE:** If any of the owners, partners, or principal officers (if a corporation) are a resident of a state other than Missouri, you must submit a current criminal background record check from your State Highway Patrol or State Bureau of Investigations.

- H. **SIGNATURE/FINANCIAL RESPONSIBILITY CERTIFICATION** – An owner, partner, or corporate officer listed on the application must sign in section 17 of the application. By signing the application, the applicant certifies that the business has, and will maintain, during the entire licensure period, financial responsibility with respect to each motor vehicle that is owned, licensed, or operated on the streets or highways. This includes motor vehicles held for resale. For more information regarding financial responsibility, please contact the Missouri Department of Revenue, Driver License Bureau, P.O. Box 200, Jefferson City, MO 65105-0200, or your insurance agent. You may call the Driver License Bureau at (573) 751-4600.

- I. **CERTIFICATION** – The application must be certified by a uniformed member of the Missouri State Highway Patrol stationed in the troop area in which the applicant’s place of business is located. (This must be done before your application is submitted to the Dealer Licensing Section.) The certification is to ensure the applicant meets all the bona fide place of business requirements outlined on page 13.

**NOTE:** A boat manufacturer or boat dealer certification may be performed by a uniformed officer of the Missouri State Water Patrol or Missouri State Highway Patrol stationed in the district area in which the applicant's place of business is located.

If the dealership is located in a first class county, the city of St. Louis, or Kansas City, the certification may be made by an authorized officer of a metropolitan police department from the area in which the applicant's place of business is located. (A sheriff's or marshal's certification is not acceptable). First Class counties in Missouri are: Boone, Buchanan, Camden, Cape Girardeau, Clay, Cole, Franklin, Greene, Jackson, Jasper, Jefferson, Platte, St. Charles, and St. Louis. The certifying officer must determine that the applicant has a bona fide established place of business as set forth in section 301.560, RSMo.

**NOTE:** Applicants who are licensed within **two months** of the license expiration date shall not be required to have the **renewal** application certified by a law enforcement agency/officer provided the renewal application is filed before the present license expires. Franchise dealers are exempt from the bona fide place of business certification when renewing their license as long as they maintain the same business location.

**BONA FIDE PLACE OF BUSINESS** – The following shall be considered in determining the existence of a bona fide established place of business for motor vehicle manufacturers, new motor vehicle franchise dealers, used motor vehicle dealers, wholesale dealers, powersport dealers, boat dealers, boat manufacturers, and public and wholesale auctions.

- 1) **Permanently Enclosed Building** – A bona fide established place of business must have a permanently enclosed building or structure either owned in fee or leased and actually occupied and primarily used in whole, or in clearly designated and segregated part, as a place of business by the applicant for the selling, bartering, trading, or exchanging of motor vehicles, trailers, all-terrain vehicles, personal watercraft, or boats and wherein the public may contact the owner or operator at any reasonable time, and wherein shall be kept the books, records, files, and other matters required and necessary to conduct the business. If a travel trailer or a manufactured home is being used as the office, it must be anchored to the ground and the wheels removed. The building must contain a working telephone, which must be maintained at the business during the entire licensure year.

**NOTE:** If a dealer is also licensed as an auction, the auction records must be kept separately from the dealership records.

**Example:** An applicant for a motor vehicle dealer license maintains a building or structure primarily used in the operation of a business other than the sale or exchange of motor vehicles. As a sideline the applicant wants to engage in the business of selling motor vehicles. The building or structure used primarily for business other than the selling or exchanging of motor vehicles does not qualify as a bona fide established place of business for the selling of motor vehicles unless an area is clearly designated and records are separately maintained for the purpose of selling, bartering, trading, or exchanging motor vehicles, powersports, boats, or trailers.

- 2) **Display Area** – A bona fide established place of business must also contain an area or lot that is not a public street upon which one or more vehicles may be displayed. The display area of the principal place of business and each

branch location of the business must be of sufficient size to physically accommodate vehicles of the type which the business is licensed to sell. **The lot requirement does not apply to wholesale dealers or boat dealers.**

The display area must be clearly for the exclusive use of the dealer, auction, or manufacturer for display purposes as to prevent confusion or uncertainty concerning its relationship to the business. The display area or lot must provide unencumbered visibility from the nearest public street of the vehicles being sold by the dealer, auction, or motor vehicle manufacturer. An auction must maintain a display area or lot separate from the dealer's lot for auction vehicles.

A licensee in more than one class of business may use the same building and display area for all classes so long as each use is separately and clearly marked. Records must be maintained separately and separate signs as specified below must be displayed.

- 3) **Sign** – The sign must contain the name of the dealership by which it is known to the public through advertising or otherwise, which need not be identical to the name appearing on the dealership's license so long as such name is registered as a fictitious name with the Secretary of State and has been approved by its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer. **A copy of such fictitious name registration must accompany the application for dealer licensure in this case.** The sign must have letters at least six inches in height and be clearly visible to the public. The sign shall be of a permanent nature, erected on the exterior of the office or on the display area, and be constructed or painted and maintained so as to withstand reasonable climatic effects and be readable. A temporary sign or device may be used while you are obtaining a permanent sign or device, provided an order for construction, purchase, or painting has in fact been placed. **If this is the case, a copy of the sign order and a picture of the temporary sign must be submitted with the application.** If a franchise dealer purchases a currently licensed new motor vehicle franchise dealership, the dealer may submit a photo of the existing dealership sign until a new sign is acquired. **The sign requirement does not apply to wholesale dealers.**

**NOTE: A public motor vehicle auction** licensee shall display, in a conspicuous manner, two additional signs, each of which shall bear the following warning in letters at least six inches (6") high: **"Attention Buyers: Vehicles sold at this auction may not have had a safety inspection."** The dimensions of each sign shall be at least two feet (2') by two feet (2').

- 4) **Regular Business Hours** – A bona fide established place of business must be open at regular business hours when the owner or operator may be contacted by the public at the business address. "Regular" business hours are considered to be a minimum of 20 hours per week. You may satisfy these requirements by being open at least four days (Monday through Saturday) each week. Only the hours between 6 a.m. and 10 p.m. will be considered by the Dealer Licensing Section in determining whether a place of business is open the minimum of 20 hours a week. You must post the

business hours at the business location and must have the records accessible for inspection during the posted times.

**NOTE:** Sunday sales are prohibited unless conducting an off premise show or sale as described on pages 32 and 33.

- 5) **Franchise Facilities** – If you are a new motor vehicle franchise dealer, the place of business shall include adequate facilities, tools, and personnel necessary to properly service and repair motor vehicles and trailers under the franchisor's warranty.
- 6) **Registration with Secretary of State** – The license applicant must be properly registered with the Secretary of State as required by Missouri law. For more information, please contact the Secretary of State's Office by calling (573) 751-3827.

**NOTE:** The bona fide established place of business of all applicants must be maintained for the entire licensure year. If the bona fide established place of business is not maintained, the licensee must notify the dealer licensing section within 10 days and surrender, at that time, all temporary permits, license, and license plates/certificates of number. If the licensee intends to relocate prior to the expiration of the license, the department must be informed of such intent at the time the license is surrendered. If the business is then certified at a new location, the department will return the temporary permits, license plates/certificates of number and issue a new license reflecting the new location for no additional fee. The department or its representative reserves the right to determine the existence of a bona fide established place of business at any time.

2. **PHOTOGRAPH** – A current photograph not exceeding eight inches by ten inches of the applicant's place of business must be submitted.
  - A. If the application is for licensure as a motor vehicle manufacturer, new motor vehicle franchise dealer, or used motor vehicle dealer, the photograph must show the business **building, lot, and sign**. If more than one photograph is necessary to show all three sites, a statement must be submitted that clearly explains that all photos were taken at the same address.
  - B. If the application is for licensure as a boat dealer or auction, the photograph must show the business' **building and sign**.
  - C. If the application is for licensure as a wholesale motor vehicle dealer, the photograph must show the dealership's **building**.
3. **FRANCHISE AGREEMENT OR LETTER OF APPOINTMENT** – The document must include the name and address of the franchisee, the effective date of the franchise agreement, the expiration date of the franchise agreement or show non-expiring, and the make(s) of vehicle(s) the franchisee is authorized to sell. This shall in all cases state that the Dealer Licensing Section will be notified in case of cancellation by either party.

A “Manufacturer’s Certification of a Dealer” is acceptable for franchise authorization only if the corresponding franchise agreement is on file with the Dealer Licensing Section. If a dealer wants to sell new vehicles for which they do not have a franchise agreement, he or she must apply for a title in the dealership’s name.

Certificates of Origin for any given make of vehicle can only be assigned by dealers who are franchised to sell that make of motor vehicle. If you are requesting licensure as a manufacturer, you must issue franchise agreements to the dealers whom you authorize to sell those makes of vehicles or vehicle bodies that you manufacture. You must supply a Manufacturer’s Certificate of Origin for each vehicle/vehicle body manufactured.

4. **CORPORATE SURETY BOND REQUIREMENT/IRREVOCABLE LETTER OF CREDIT** – Missouri law 301.560(4), RSMo requires motor vehicle dealers, powersport dealers, and boat dealers to submit either an ORIGINAL corporate surety bond or an ORIGINAL irrevocable letter of credit issued by any state or federal financial institution, in the penal sum of \$25,000.00 with their application for dealer registration. The bond or irrevocable letter of credit must be on a form approved by the Dealer Licensing Section. See Attachments C and D.

The dealer must be bonded for the entire registration year. Any bond that is submitted must be in effect through December 31 of the licensure year or be a “non-expiring” bond. If the bond or letter of credit on file expires or is cancelled, a new bond/letter of credit must be submitted to the Department of Revenue on or before the date of expiration/cancellation.

**NOTE:** The bond/irrevocable letter of credit must have an expiration date covering the entire calendar year or indicate “non-expiring.” The bond/irrevocable letter of credit does not apply to auctions or manufacturers.

5. **FEES** – You must submit one check or money order for the license fees and plate fees as outlined on pages 24 and 25.

### **CERTIFICATE OF LICENSE**

The Department of Revenue issues a certificate of license to all dealers upon approval of their application for registration. The certificate must be prominently displayed in the business office at all times. If you have not received your Certificate of License or the certificate is incorrect, please contact the Department of Revenue, Dealer Licensing Section, at (573) 751-8343.

### **License Requirements for Auctions, Dealers, and Manufacturers**

A separate license is required for each of the following categories of licenses:

1. Motor vehicle/powersport dealers and/or motor vehicle manufacturers;
2. Boat dealers and/or boat manufacturers (however, a motor vehicle dealer may purchase and sell up to five vessels during each licensure period without licensing as a boat dealer);



3. Wholesale motor vehicle dealers;
4. Wholesale motor vehicle auctions; and
5. Public motor vehicle auctions.

### **Multi-Locations**

Each business location where a licensee auctions, manufactures, sells, or displays motor vehicles, trailers, or boats must be licensed separately with the department. However, when a licensee has more than one location in the **same city or with the same city mailing address**, the licensee may operate under **the same name and license number** by filing a proper application for each business location with the department and maintaining a bona fide place of business at each location. No additional fees are required for the additional locations in this case.

### **Storage Lot(s)**

A licensee may store vehicles at a storage lot location other than at the licensed business location, provided the department is notified of the storage location in writing and no sales activity occurs on the storage lot.

## **CHANGES INVOLVING THE DEALERSHIP**

A manufacturer, boat manufacturer, motor vehicle dealer, boat dealer, wholesale motor vehicle dealer, wholesale motor vehicle auction, or a public motor vehicle auction pursuant to section 301.560, RSMo must maintain a bona fide established place of business for the entire registration period. The Director of Revenue retains the right to determine the existence of a bona fide established place of business at any time.

You must notify the Department of Revenue immediately if your dealership does any of the following or you will be in violation of Missouri law and subject to administrative disciplinary action against your dealership.

### **Change In Dealership Location**

A licensee who changes its business location during the licensure year must notify the department of that change prior to operating at the new site. The following must be submitted to the department:

1. A new application, DOR-4682, certified by authorized law enforcement indicating that the new location meets the requirements of a bona fide established place of business. **“Change of Address”** must be indicated at the top of the application; and

**NOTE:** If your business changes locations 90 days or less before the expiration of the current license, a renewal application reflecting the new address should be filed instead of a change of address. If the location change is not effective immediately upon filing the renewal application, a letter indicating the effective date of the address change must accompany the renewal application.

2. A photograph of the business location that shows the business building, lot, and sign, if applicable.

### **Change In Dealership Name**

If a licensee changes the business name during the licensure year, the licensee must notify the department of the name change prior to operating under the new name. The following must be submitted to the department:

1. A new application, DOR-4682, properly completed that indicates **“Name Change Only”** at the top of the application. The application is **not** required to be certified by authorized law enforcement;
2. A photograph of the business location that meets the specifications required of new applicants and clearly shows the business sign displaying the new business name; and
3. A corporate surety bond, bond rider, or revision to the irrevocable letter of credit that reflects the licensee’s new business name.

### **Partial Ownership Change of Dealership**

To register an additional owner:

Complete a statement that indicates the name, birthdate, social security number, home address, and telephone number of the individual being added to the dealership. The statement must be signed by one of the owners listed on the dealer application and the person being added to the dealership. You must submit a \$5 check or money order for each person being added for the criminal background check.

To delete an owner:

1. Notify the Department of Revenue in writing of all owner names to be deleted from your dealer registration and the date the change is to be effective. This must be signed by the individual(s) that is being deleted with a statement that he or she no longer has any interest in the dealership. If the person being deleted is listed on the corporate surety bond or the irrevocable letter of credit, a new corporate surety bond or irrevocable letter of credit must be submitted.
2. During the renewal of your dealer license, you may add or delete an owner without having to submit a statement.

### **Complete Ownership Change of Dealership**

1. Notify the Department of Revenue in writing immediately indicating the date that the buy-out will take place.
2. The seller must forward all dealer plates, the certificate of registration, all unissued permits and riders, and all required monthly sales reports to the Department of Revenue the last day of operation.

3. The purchaser must submit a completed application for dealer's registration and comply with all the requirements of a new dealer.
4. The purchaser cannot operate as a dealer until the registration is approved.

### **Buy-out of a Franchised Dealership**

Upon the sale of a currently registered new motor vehicle franchised dealership, the director will upon written request by the selling dealer, authorize the new approved dealer applicant to retain the selling dealer's license number.

**NOTE:** In order to reduce the amount of paperwork, the Department of Revenue will allow a Letter of Appointment signed by the manufacturer in lieu of requiring the entire franchise agreement to be submitted.

The selling dealer may transfer/sell any unissued temporary permits remaining in inventory to the buying dealer, provided the seller notifies the Dealer Licensing Section in writing of such fact, including the control numbers of each temporary permits that have been transferred.

### **Terminating, Selling, or Abandoning the Dealership**

When you close, sell, or abandon your dealership you must:

1. Immediately notify the Department of Revenue in writing that the dealership is closed or sold and the date of the closure or sale; and
2. Surrender all dealer license plates/certificates of number, unissued temporary permits, riders, all required monthly sales reports, and dealer license certificate to the Department of Revenue immediately, and in no event later than 10 days following such circumstance.

You must title and pay taxes on all motor vehicles/boats you buy and sell during the time you are not licensed.

### **Death or Incapacitation of an Owner**

If a licensee dies or becomes incapacitated, the heirs or estate of the licensee or legal guardian has no more than 180 days after death or incapacitation, or until the license expires, whichever comes first, in which to settle the affairs of the licensee or to apply for a new license in the name of the successor. If the successor wants to retain the dealership name and number, a written request must be submitted along with all the required documents and fees required of a new applicant.

### **Advertising Practices**

Section 301.567, RSMo provides "Advertising standards, violation of, when."

1. For purposes of this section, a violation of any of the following advertising standards shall be deemed an attempt by the advertising dealer to obtain a fee or other

compensation by fraud, deception, or misrepresentation in violation of section 301.562, RSMo:

- (1) A motor vehicle shall not be advertised as new, either by express terms or implication, unless it is a "new motor vehicle" as defined in section 301.550, RSMo;
- (2) When advertising any motor vehicle which is not a new motor vehicle, such advertisement must expressly identify that the motor vehicle is a used motor vehicle by express use of the term "used", or by such other term as is commonly understood to mean that the vehicle is used;
- (3) Any terms, conditions, and disclaimers relating to the advertised motor vehicle's price or financing options shall be stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information, but not be used as a means of contradicting or changing the meaning of an advertised statement;
- (4) The expiration date, if any, of an advertised sale or vehicle price shall be clearly and conspicuously disclosed. In the absence of such disclosure, the advertised sale or vehicle price shall be deemed effective so long as such vehicles remain in the advertising dealership's inventory;
- (5) The terms "list price," "sticker price," or "suggested retail price" shall be used only in reference to the manufacturer's suggested retail price for new motor vehicles, and, if used, shall be accompanied by a clear and conspicuous disclosure that such terms represent the "manufacturer's suggested retail price" of the advertised vehicle;
- (6) Terms such as "at cost", "\$..... above cost" shall not be used in advertisements because of the difficulty in determining a dealer's actual net cost at the time of the sale. Terms such as "invoice price", "\$..... over invoice" may be used, provided that the invoice referred to is the manufacturer's factory invoice for a new motor vehicle and the invoice is available for customer inspection. For purposes of this section, "manufacturer's factory invoice" means that document supplied by the manufacturer to the dealer listing the manufacturer's charge to the dealer before any deduction for holdback, group advertising, factory incentives or rebates, or any governmental charges;
- (7) When the price or financing terms of a motor vehicle are advertised, the vehicle shall be fully identified as to year, make, and model. In addition, in advertisements placed by individual dealers and not line-make marketing groups, the advertised price or credit terms shall include all charges which the buyer must pay to the dealer, except buyer-selected options and state and local taxes. If a processing fee or freight or destination charges are not included in the advertised price, the amount of any such processing fee and freight or destination charge must be clearly and conspicuously disclosed within the advertisement;
- (8) Advertisements which offer to match or better any competitors' prices shall not be used;

- (9) Advertisements of "dealer rebates" shall not be used, however, this shall not be deemed to prohibit the advertising of manufacturer rebates, so long as all material terms of such rebates are clearly and conspicuously disclosed;
- (10) "Free", "at no cost" shall not be used if any purchase is required to qualify for the "free" item, merchandise, or service;
- (11) "Bait advertising," in which an advertiser may have no intention to sell at the prices or terms advertised, shall not be used. Bait advertising shall include, but not be limited to, the following examples:
  - (a) Not having available for sale the advertised motor vehicles at the advertised prices. If a specific vehicle is advertised, the dealer shall be in possession of a reasonable supply of such vehicles, and they shall be available at the advertised price. If the advertised vehicle is available only in limited numbers or only by order, such limitations shall be stated in the advertisement;
  - (b) Advertising a motor vehicle at a specified price, including such terms as "as low as \$.....", but having available for sale only vehicles equipped with dealer-added cost options which increase the selling price above the advertised price;
- (12) Any reference to monthly payments, down payments, or other reference to financing or leasing information shall be accompanied by a clear and conspicuous disclosure of the following:
  - (a) Whether the payment or other information relates to a financing or a lease transaction;
  - (b) If the payment or other information relates to a financing transaction, the minimum down payment, annual percentage interest rate, and number of payments necessary to obtain the advertised payment amount must be disclosed, in addition to any special qualifications required for obtaining the advertised terms including, but not limited to, "first-time buyer" discounts, "college graduate" discounts, and a statement concerning whether the advertised terms are subject to credit approval;
  - (c) If the payment or other information relates to a lease transaction, the total amount due from the purchaser at signing with such costs broken down and identified by category, lease term expressed in number of months, whether the lease is closed-end or open-end, and total cost to the lessee over the lease term in dollars;
- (13) Any advertisement which states or implies that the advertising dealer has a special arrangement or relationship with the distributor or manufacturer, as compared to similarly situated dealers, shall not be used;
- (14) Any advertisement which, in the circumstances under which it is made or applied, is false, deceptive, or misleading shall not be used;
- (15) No abbreviations for industry words or phrases shall be used in any advertisement unless such abbreviations are accompanied by the fully spelled or spoken words or phrases.

2. The requirements of this section shall apply regardless of whether a dealer advertises by means of print, broadcast, or electronic media, or direct mail. If the advertisement is by means of a broadcast or print media, a dealer may provide the disclaimers and disclosures required under subdivision (3) of subsection 1 of this section by reference to an Internet web page or toll-free telephone number containing the information required to be disclosed.
3. Dealers shall clearly and conspicuously identify themselves in each advertisement by use of a dealership name which complies with subsection 6 of Section 301.560, RSMo.

### **Dealers Selling at Auto Auctions**

When a dealer sells a motor vehicle or trailer at an auto auction, the dealer must do the following to comply with Missouri law:

1. Assign the title at the time the unit is sold directly to the purchaser, listing the purchaser's name in the assignment area. **DO NOT LEAVE THE PURCHASER'S NAME BLANK, AS THIS CONSTITUTES AN OPEN TITLE.** In lieu of physically assigning the ownership document, the dealer may provide the auction with the certificate of ownership without making an assignment, and a notarized power of attorney authorizing a specific individual to assign the title for the dealer;
2. Indicate the mileage reading on the odometer at the time of transfer of the unit above the seller's signature on the certificate of ownership as required by state and federal law unless the vehicle is exempt from mileage; and
3. List the actual purchaser, not the auto auction, as the purchaser of the unit when reporting the sale on the dealer's monthly sales report.

### **Procedures to Follow for Consignment Sales**

When a dealer sells a motor vehicle on consignment for an individual, one of the following procedures must be followed regarding transferring ownership, issuing federal odometer disclosures, and use of dealer plates on the vehicle.

1. The individual can assign the certificate of ownership to the dealer and issue a federal odometer disclosure. **The dealer can then demonstrate the vehicle using his dealer license plates**, assign the certificate of ownership to the purchaser, and issue an odometer disclosure as in any other sale the dealer makes.
2. The individual can give the dealer a **copy** of the certificate of ownership and written authorization to offer the vehicle for sale. **The dealer cannot use dealer license plates on the vehicle but must use the plates that were issued to the vehicle by the Department of Revenue.** When the actual sale takes place, the owner on the face of the certificate of ownership must assign the title directly to the purchaser and issue a federal odometer disclosure.
3. The individual can give the certificate of title to the dealer and a notarized power of attorney that authorizes the dealer to assign the title and issue a federal odometer

disclosure to the purchaser on behalf of the seller. **The dealer cannot display dealer license plates on the vehicle.**

## **DEALER LICENSE PLATES**

### **Use of Dealer Plates**

A licensee must be able to account for **all** dealer license plates/certificates of number issued to their business **at all times**. Dealer license plates or certificates of number may only be used by an employee, owner, or officer of the licensee, or by a customer who is test driving the motor vehicle, trailer, or vessel. A customer who is test driving a vehicle or vessel for more than 48 hours, or who is test driving a tractor, truck, or a trailer under loaded conditions, must have a written demonstration agreement in the vehicle which has been signed and dated by both the customer and the dealership. The written demonstration agreement must be on the dealership's letterhead and include the following items:

1. A statement that the vehicle or vessel is being used for demonstration purposes only and the anticipated duration of the demonstration;
2. A description of the vehicle or vessel, including the year, make, and identification number;
3. The name of the customer demonstrating the unit;
4. The dealership's name, dealer number, and business address;
5. A statement of the type of property being transported, if applicable; and
6. The mileage on the odometer of the vehicle at the time the demonstration began.

**NOTE:** All demonstration agreements must be maintained as a part of the dealership's records for a period of one year.

Dealer plates or certificates of number may not be displayed on a motor vehicle, trailer, or vessel that is hired or loaned to others or on any regularly used service or wrecker vehicle.

Public motor vehicle auctions and wholesale motor vehicle auctions shall not be issued dealer license plates.

### **Additional Dealer Plates**

If you wish to obtain additional dealer license plates/certificates of number, you must submit an Application for Replacement/Additional Dealer Plates, MVC-0015, or a written request indicating the following:

1. Dealership name;
2. Dealership number;

3. Number of plates/certificates of number requested; and
4. Indicate motor vehicle size or motorcycle size plates, or boat certificates of number or boat trailer plates.

If the plates/certificates of number are purchased after January 31, the fees are prorated as shown below:

11 Months.....	February.....	\$9.63
10 Months.....	March.....	\$8.75
9 Months.....	April.....	\$7.88
8 Months.....	May.....	\$7.00
7 Months.....	June.....	\$6.13
6 Months.....	July .....	\$5.25
5 Months.....	August.....	\$4.38
4 Months.....	September.....	\$3.50
3 Months.....	October.....	\$2.63
2 Months.....	November.....	\$1.75
1 Month.....	December.....	\$ .88

Enclose a check or money order made payable to the Department of Revenue and mail to the Motor Vehicle Bureau, Dealer Licensing Section, P.O. Box 43, Jefferson City, Missouri 65105-0043.

### **Replacement Dealer Plates/Certificates of Number**

To obtain a replacement dealer plate/certificate of number, you must submit an Application for Replacement or Additional Dealer Plates, MVC-0015, completed, signed, and notarized and the \$8.50 replacement fee for each replacement requested (do not send cash).

Make your check or money order payable to the Department of Revenue. A separate notarized application is required for each plate/certificate of number requested. The above must be sent to the Motor Vehicle Bureau, Dealer Licensing Section, P.O. Box 43, Jefferson City, MO 65105-0043.

**NOTE:** You must file a report with the local law enforcement authorities or the Missouri State Highway Patrol.

### **Licensure and Miscellaneous Fees**

The Department of Revenue established the following fees that are payable in the form of a check or money order:

1. Licensure Fees (original or renewal):
  - A. Motor vehicle/powersport dealers/manufacturers \$150
  - B. Boat dealers \$80
  - C. Motor vehicle dealers and boat dealers \$230



D. Boat manufacturers	\$80
E. Motor vehicle manufacturers	\$150
F. Wholesale dealers	\$150
G. Public auctions	\$150
H. Wholesale auctions	\$150

2. Late renewal penalties:

A. Applications filed on or after October 31, but prior to January 1 – \$25

**NOTE:** The renewal must be post marked on or before October 30.

B. After December 31 – \$50

**NOTE:** The renewal must be post marked on or before December 31.

3. Replacement license certificate – \$8.50

4. Computer printout per page or a copy of a dealer application – \$1.25

5. Photocopies of dealer records/sales reports per month – \$3.00

**NOTE:** The Missouri Department of Revenue may electronically resubmit checks returned for insufficient or uncollected funds.

### **Minimum Sales Requirement**

Missouri law (301.560, RSMo.) requires that a dealer sell six or more motor vehicles or trailers in each full calendar year registered in order to be eligible to renew your registration in the following calendar year. If you are registered as a boat dealer, you are required to sell six or more vessels or vessels trailers or both in any calendar year registered in order to be eligible for renewal. If you are registered for less than a full calendar year, you are required to make a minimum of one sale for each two months that you are registered. Sales may be either at retail or wholesale.

### **Monthly Sales Report Requirements**

Missouri law (301.280, RSMo) provides that “Every motor vehicle dealer and boat dealer shall make a monthly report to the Department of Revenue, on blanks to be prescribed by the Department of Revenue, giving the following information: Date of the sale of each motor vehicle, boat, trailer, and all-terrain vehicle sold; the name and address of the buyer; the name of the manufacturer, year of manufacture, model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall also state whether the motor vehicle, boat, trailer, or all-terrain vehicle is new or secondhand.”

The Motor Vehicle Bureau, Dealer Licensing Section, will **reject** all sales reports that are not filled out completely and properly. Section 301.280, RSMo requires all dealers to submit monthly sales reports and to provide all information requested on the report.

Effective January 1, 2006, section 301.280, RSMo provides that any dealer who fails to file the required dealer's monthly sales reports, or who fails to file them timely, shall be subject to disciplinary action as prescribed by section 301.562, RSMo, or a penalty may be assessed by the director not to exceed **\$300 per violation**. The law requires dealer sales reports to be submitted by the fifteenth day of the month following the month in which the sales are reported.

### **E-File Dealer Reports or Complete a Notice of Sale**

Effective January 1, 2006, sections 301.196 through 301.198, RSMo require the seller of a motor vehicle, trailer, or all-terrain vehicle to file a Notice of Sale (NOS) form with the department within 30 days of selling the unit. This law also applies to **retail** sales made by vehicle dealers. The department is currently designing an NOS form for this purpose.

To satisfy the NOS reporting requirement, section 301.280, RSMo provides that effective January 1, 2006, dealers **may** file their sales reports electronically in the format prescribed by the director in-lieu of filing NOS forms. For dealers who make more than 20 sales per month, electronic filing is **mandatory** beginning January 1, 2007.

The department is working with several dealer software vendors to establish the format for electronic filing and to make the process as painless as possible for dealers. If you use a dealer software vendor other than those listed below, please notify them of the new law and request they contact the department at [mvbmail@dor.mo.gov](mailto:mvbmail@dor.mo.gov) to obtain a file layout and more information. The department also plans to have an Internet NOS filing option available to simplify the filing requirements for dealer. The department will provide additional information on the new law in the coming months at <http://www.dorx.mo.gov/mvdl/motorv/liendeal/>.

Dealer software vendors the department has contacted include:

Lightyear Dealer Technologies

Procede Software

Auto/Mate

Arkona

Reynolds and Reynolds

ADAM Systems

Autosoft-ASI

PBS systems

ADP Dealer Services

Systems 2000 Inc.

Dubuque Data Services

AIMDATA

## **Completing the Sales Report (See Attachment B)**

**DEALER LICENSE NAME** – Enter the name of the dealership exactly as licensed with the Dealer Licensing Section.

**DEALERSHIP ADDRESS AND PHONE NUMBER** – Enter complete information as filed with the Dealer Licensing Section. The address shown must be the actual location of the dealership.

**DEALER LICENSE NUMBER** – Enter the assigned motor vehicle, wholesale, or boat dealer number.

**SALES MONTH AND SALES YEAR** – Enter the month and year in which the sales listed were made.

**TOTAL UNITS SOLD** – Enter the total quantity of motor vehicle/trailer sales and the total boat/boat trailer sales for the month on the front of the report.

**TOTAL TEMPORARY PERMITS** – Enter the total number of Temporary Permits you sold for the month in the designated area.

**DATE SOLD** – Enter the date sold for each unit as shown on the ownership document. (If this information is not given, your report will be rejected.)

**BUYER'S NAME AND ADDRESS** – Enter each buyer's complete name and address including street, city, and state.

**YEAR** – Enter the last two digits of the year that the vehicle/boat was manufactured.

**MAKE** – Enter the name of the manufacturer of the vehicle/boat.

**MODEL** – Enter the model name of the vehicle/boat. Example: Taurus, Ciera, Firebird, or Camry for motor vehicles. Champion, Ranger, or Monarch for boats.

**STYLE** – Enter the vehicle's body style. Example: two-door, pickup, van hatchback, station wagon, etc.

**VEHICLE ID NUMBER (VIN)** – Enter the complete vehicle/boat identification number from the title or Manufacturer's Statement of Origin (MSO).

**TYPE** – Enter an "X" in the appropriate column.

**ODOMETER** – Show the odometer setting at the time of transfer (as recorded on the title assignment) for all motor vehicles sold that are less than 10 years old. If the true mileage is unknown and the vehicle has no odometer, enter "EST" and show an estimated mileage. The odometer reading is not required for ATV's, trucks over 16,000 pounds, or for wholesale sales between franchised dealers using an MSO.

**NEW** – Enter an "X" in this column only if the vehicle/boat is assigned to the buyer listed on an MSO. A licensed used car dealer cannot assign an MSO but must apply for a title in the dealership's name before selling the vehicle, classifying the vehicle as "used".

USED – Enter an “X” in this column if the vehicle/boat is not sold on an MSO.

TEMPORARY PERMIT NUMBER – Enter the inventory number of the temporary permit issued, only if applicable.

NET PRICE – Enter the net price of each unit on all retail sales. The net price is the purchase price minus the trade-in allowance.

SIGNATURE/TITLE/DATE – The owner, partner, or corporate officer of the dealership must sign each report form, indicating his or her title and the date the form was signed.

**NOTE: If any of the information is not complete your sales report will be rejected.**

Attach the second copy of the Secure Power of Attorney (DOR-3020S), and a copy of the front and back of the corresponding title to the sales report for each vehicle sold, if applicable.

If additional sales report forms are needed, please call (573) 751-8343 or write to the following address (Dealers in St. Louis County must request the green sales report forms):

Motor Vehicle Bureau  
Dealer Licensing Section  
P.O. Box 43  
Jefferson City, MO 65105-0043  
Or e-mail at [www.dor.mo.gov/mvdl/motorv/forms](http://www.dor.mo.gov/mvdl/motorv/forms)  
Or [dealerlic@dor.mo.gov](mailto:dealerlic@dor.mo.gov)

The following are important items to remember concerning the monthly reports:

1. All reports must be submitted to the Motor Vehicle Bureau, Dealers Licensing Section, by the **15<sup>th</sup> day of each month** following the month in which the sale(s) occurred. For example, sales that occur in May must be reported on a May report and submitted by June 15<sup>th</sup>.
2. All sales of motor vehicles, trailers, boats, and ATV's must be reported – both wholesale and retail. (Do not list outboard motor sales or mobile home sales on the monthly sales report.)
3. A separate report must be submitted for each month or partial month licensed. If no sales are made during a given month, a report must be submitted indicating “**NO SALES.**”
4. All report forms must be signed by an officer, partner, or owner of the dealership.
5. The odometer reading is not required when reporting the sale of any motor vehicle that is **10** years old or older, any motor vehicle having a gross weight rating of more than 16,000 pounds, or new vehicles that are transferred on a manufacturer's statement of origin between two franchised motor vehicle dealers, boats, all-terrain vehicles, or trailers.

6. The date each unit was sold must be indicated for each unit sold (the date sold should be the same as the date of sale on the title assignment). This item is frequently missing, causing the report to be rejected.
7. You must record the sale of all temporary permits, without exception, in the appropriate space on the dealer's monthly sales report by recording the complete permit number issued on the motor vehicle or trailer sale listed.
8. A copy of each sales report submitted should be maintained with your dealership's records.
9. The second copy of the Secure Power of Attorney (DOR-3020S) and a copy of the front and back of the corresponding title must accompany the sales report for each vehicle sold, if applicable.
10. All St. Louis County (not St. Louis City) dealers must use a **green** colored Dealer Monthly Sales Report (Form 385) **or attach a green form** to the top of their computer generated listing.
11. A **manufacturer** is **not** required to submit monthly sales reports, but if the manufacturer makes retail sales, the business must also be registered as a motor vehicle dealer, and as such, then he/she is required to submit monthly sales reports.

### **Transferring Ownership of a Motor Vehicle**

Missouri law requires that at the time of sale of a motor vehicle or trailer, there shall pass between the parties a properly assigned certificate of ownership. IT IS UNLAWFUL FOR ANY PERSON/DEALER TO "SKIP" ASSIGNMENT OR BE IN POSSESSION OF AN "OPEN TITLE". An "open title" is a title that has the seller's signature in the title assignment area but the purchaser's name is blank.

### **Required Proof of Ownership For Motor Vehicles**

Missouri law requires all dealers to have proof of ownership on all motor vehicles or trailers in the dealer's possession. The proof of ownership must be maintained at the registered dealership location and available for inspection of appropriate law enforcement officials.

Proof of ownership may be in the form of a:

1. Certificate of title properly assigned to the dealer;
2. Manufacturer's Statement of Origin (MSO) properly assigned to the dealer;
3. Photostatic copy (front and back) of the certificate of title or MSO properly assigned to the dealer;
4. Bill of sale indicating the year, make, and vehicle identification number of the vehicle and the dealer as purchaser; or

5. An auto auction invoice/receipt indicating the year, make, and vehicle identification number of the vehicle and the dealer as purchaser.

**NOTE: It is unlawful for any person/dealer to sell a motor vehicle, all-terrain vehicle, or trailer without having a certificate of title or manufacturer's certificate of origin in their possession at the time the sale occurs. The legal date of sale of a vehicle is the date the certificate of ownership is assigned to the purchaser.**

### **Buying and Selling a Vehicle Without a Title**

Effective August 28, 2005, a new law allows a licensed dealer to buy and sell a motor vehicle without a title if the dealer follows the requirements outlined in Attachment checklist below. **This only applies if the seller's title has been lost, stolen, mutilated, or destroyed.** The purchase is subject to any liens that are perfected and not released. The dealer must also verify that the seller is the last titled owner. The department is developing a new Secure Power of Attorney form (DOR-5086) that complies with federal odometer disclosure regulations to simplify the process for the dealer and the customer. The new form will be available in Fall 2005.

### **Titling Information/Manual**

For detailed information regarding titling requirements, temporary permits, etc., please refer to the Motor Vehicle and Marinecraft Titling Manual. You can find the titling manual at [www.dor.mo.gov/mvdl/motorv/forms](http://www.dor.mo.gov/mvdl/motorv/forms).

### **Lemon Law Refunds**

Section 407.567, RSMo allows manufacturers to apply for a refund of taxes, license fees, registration fees, and title fees on vehicles returned under the lemon law provided they have reimbursed the consumer for these fees. The manufacturer may, in lieu of applying for the refund, authorize the consumer to apply for the refund. In this case, the manufacturer must provide the customer with a statement from the manufacturer stating the vehicle was a buy back under the lemon law and that no refund of taxes and fees has been made to the consumer.

### **Record Keeping Requirements**

Missouri law 301.280(2), RSMo provides that, "Every dealer and every person operating a public garage shall keep a correct record of the vehicle identification number, odometer setting, manufacturer's name of all motor vehicles or trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together with the name and address of the persons delivering such motor vehicle or trailer to the dealer or public garage keeper, and the person delivering such motor vehicle or trailer shall record such information in a file kept by the dealer or garage keeper. The record shall be kept for three years and be open for inspection by law enforcement officials and persons, agencies, and officials designated by the director of revenue."

## **Federal Trade Commission Used Car Rule**

The used car rule requires that you must post a window sticker called the Buyer's Guide on all used vehicles you offer for sale. You can obtain the Buyer's Guides and all necessary information by calling (877) 382-4357 or writing to the Federal Trade Commission, 6<sup>th</sup> and Pennsylvania Avenue, North West, Washington, DC 20580.

## **Temporary Permit Records**

Missouri law 301.140(7), RSMo provides in part that, "Every dealer that issues a temporary permit or paper plate shall keep, for inspection of proper officers, a correct record of each permit or plate issued by recording the permit or plate number, buyer's name and address, year, make, manufacturer's number of vehicle on which the permit or plate is to be used, and the date of issuance."

## **Business Records**

Administrative Rule 12 CSR 10-26.050 provides for what business records must be kept by boat dealers, boat manufacturers, motor vehicle dealers, wholesale motor vehicle dealers, and motor vehicle manufacturers and the retention period of these records.

1. A licensee shall maintain clear and complete books, records, files, and other matters required and necessary to conduct the business of manufacturing and/or selling motor vehicles, trailers, and/or boats including but not limited to titles, riders, disclosure statements, affidavits, inventory, and related documentation.
2. The licensee shall have sufficient proof of ownership at the business location for each vehicle/unit owned by the licensee in the form of a certificate of ownership or copy thereof, bill of sale, or invoice. (See page 29 for more information.)
3. The business records of a licensee shall be maintained at the office of the licensee's business location.
4. A licensee shall maintain business records for a period of not less than three years, unless otherwise specified by law.
5. A licensee shall maintain clear and complete copies of all odometer disclosure documents issued and received by the licensee for a period of five years.

## **Inspection of Records**

Any person or his or her agent licensed or registered as a vehicle manufacturer, boat manufacturer, motor vehicle dealer, boat dealer, wholesale motor vehicle dealer, wholesale motor vehicle auction, or a public motor vehicle auction pursuant to the provisions of 301.550 to 301.573, RSMo shall permit an employee of the Department of Revenue, or any law enforcement official to inspect, during normal business hours, (Normal business hours are defined in Administrative Rule 12 CSR 10-26.010 and on page 14) any of the following documents which are in his/her possession or under his/her custody or control:

1. Any title to any vehicle or vessel;

2. Any application for title to any vehicle or vessel;
3. Any affidavit provided pursuant to sections 301.550 to 301.573 or Chapter 407, RSMo;
4. Any assignment of title to any vehicle or vessel;
5. Any disclosure statement or other document relating to mileage or odometer readings required by the laws of the United States or any other state; or
6. Any inventory and related documentation.

For purposes of this section, the term “law enforcement official” shall mean any of the following:

1. Attorney general, or any person designated by him to make such an inspection;
2. Any prosecuting attorney or any person designated by a prosecuting attorney to make such an inspection;
3. Any member of the highway patrol or water patrol;
4. Any sheriff or deputy sheriff; or
5. Any peace officer certified pursuant to Chapter 590, RSMo acting in his or her official capacity.

### **Sunday Sales**

Section 578.120, RSMo provides in part that, “no dealer, distributor or manufacturer licensed under section 301.559, RSMo may keep open, operate, or assist in keeping open or operating any established place of business for the purpose of buying, selling, bartering, or exchanging, or offering for sale, barter, or exchange, any motor vehicle, whether new or used, on Sunday. However, this section does not apply to the sale of manufactured housing; the sale of recreational motor vehicles; washing, towing, wrecking or repairing operations; the sale of petroleum products, tires, and repair parts and accessories; or new vehicle shows or displays participated in by five or more franchised dealers or in towns or cities with five or fewer dealers, a majority.” This statute strictly **prohibits** any type of sales activity by dealerships on Sunday. For questions regarding new motor vehicle shows or displays to be held on Sunday, contact the Department of Revenue, Dealer Licensing Section (573) 751-8343.

### **Off-Premise Sales – Restrictions**

A motor vehicle dealer may participate in any motor vehicle show or sale, and conduct sales of motor vehicles away from the dealer’s usual, licensed place of business if:

1. The event is conducted for not more than 10 days; and



2. A majority of the motor vehicle dealers within a class of dealers whose official mailing address is in the same city or town participate or are invited and have the opportunity to participate in an off-premise show or sale.

**NOTE:** If motor vehicle dealers from more than one city or town are to participate in the same off-premise show or sale, a majority of the dealers in each such city or town must participate or be invited and have the opportunity to participate.

Dealers shall be divided into classes as follows for the purposes of off-premise shows:

- A. Boat Dealers;
- B. Franchised new motor vehicle dealers;
- C. Used motor vehicle dealers;
- D. Wholesale motor vehicle dealers;
- E. Recreational motor vehicle dealers;
- F. Historic motor vehicle dealers;
- G. Classic motor vehicle dealers; and
- H. Powersport dealers.

Recreational motor vehicle dealers may participate in an off-premise show or sale even if a majority of recreational motor vehicle dealers in a city or town do not participate in the event.

### **Off-Premise Show**

An off-premise show includes the stationary display of all or any part of a motor vehicle dealer's inventory at any location other than the dealer's usual, bona fide established place of business, regardless of whether sales agents or other dealership employees or owners are present to promote the sale of or to sell the displayed vehicle(s) or to otherwise transact business concerning the dealership, except:

1. Promotions or contests, conducted by a person or business who is not a licensed motor vehicle dealer, that involve the stationary display of a dealer's motor vehicle as a means of attracting attention to and participation in the promoter's event, service or product. The dealer providing the motor vehicle **must remove** all items identifying the dealership from the motor vehicle prior to its display, with the exception of such information as may be required by federal or state law to be displayed on the vehicle. The promoter, **not the dealer**, may identify the dealer only by means of a notation on its promotional material stating "vehicle provided courtesy of (name of dealership)" or similar language;
2. The display of motor vehicles at meetings of organizations which are open only to members of the organization and not to the general public;

3. The display of motor vehicles at the Missouri State Fair; and
4. Parades in which one or more local dealerships provide motor vehicles from their inventory to be driven as part of the parade.

### **Recreational Vehicle Shows – Requirements For Out Of State Participants**

Section 301.566, RSMo requires recreational vehicle (RV) dealers licensed in another state who intend to participate in an RV show or exhibition in Missouri to send a written request to participate to the department at least 30 days in advance of the event. To be eligible to participate, the following applies:

Events with less than 50 dealers participating:

1. The dealer's manufacturer must approve the participation;
2. The show or exhibition must have a minimum of 10 RV dealers licensed in Missouri participating;
3. More than 50 percent of the RV dealers participating must be licensed in Missouri; and
4. The state in which the RV dealer is licensed must border Missouri and that state must permit Missouri RV dealers to participate in shows conducted in their state, with substantially the same requirements.

Events with 50 or more dealers participating:

1. The event must be trade oriented; and
2. Must be predominantly funded by the RV manufacturers.

The director may assess a fine of up to \$1,000 for violations of this law.

### **Motor Vehicle Dealers Required to Maintain Financial Responsibility**

Section 303.010 through 303.370, RSMo requires motor vehicle/trailer owners, **including motor vehicle dealers**, to maintain financial responsibility for each motor vehicle owned, licensed, or operated on the streets or highways. This includes vehicles held for resale and those actually owned and licensed by the dealer for use in the operation of the dealership. Proof of financial responsibility may be in any of the following forms:

1. A motor vehicle liability insurance policy;
2. A Self-Insured Identification Card issued by the Driver License Bureau;
3. A current insurance identification card;
4. A Financial Responsibility Identification Card issued by the Department of Revenue, Driver License Bureau.

**NOTE:** For additional information regarding these methods of proving financial responsibility, please contact the Missouri Department of Revenue, Driver License Bureau, P.O. Box 200, Jefferson City, MO 65105-0200 or your insurance agent. You may call the Driver License Bureau at (573) 751-4600.

### **Penalties For Failure To Maintain Financial Responsibility**

Any motor vehicle owner or operator who fails to be financially responsible will incur the following penalties/reinstatement obligations according to section 303.042, RSMo.

1. First Offense – A \$20 reinstatement fee and submission of proof of insurance as prescribed the director;
2. Second Offense within 2 years – A 90-day suspension of your driver license and/or license plate(s), a \$200 reinstatement fee, and submission of proof of insurance as prescribed by the director; and
3. Third Offense within 2 years – A one-year suspension of your driver license and/or license plate(s), a \$400 reinstatement fee, and submission of proof of insurance as prescribed by the director.

In the event that proof of insurance as prescribed by the director has not been filed with the department of revenue in accordance with this law prior to the end of the period of suspension, the suspension will be extended until such proof of insurance has been filed.

### **Procedures for Handling Complaints**

Complaints received against a motor vehicle dealer, motor vehicle manufacturer, boat dealer, boat manufacturer, public motor vehicle auction, wholesale motor vehicle auction, or wholesale motor vehicle dealer must be submitted to the Department of Revenue in writing and, at a minimum, shall include:

1. The complainant's name, address, and telephone number(s) for home and work, if applicable;
2. Information regarding the vehicle, vessel or outboard motor, if applicable, that includes the vehicle year, make, model, identification number, the date of purchase, the mileage information if applicable, and the purchase price;
3. Information about the dealership the complaint is against, including the name and address of the business, the nature of the complaint, whether the complainant has made contact with the owner/manager of the business about the problem, and if so, the outcome, the form of relief the complaint is seeking and a list of names of any other agencies contacted in relation to the complaint;
4. Whether an attorney has been contacted or a lawsuit filed; and

5. The complainant's signature and the date the complaint was signed. You may obtain the Complaint Form (DOR-4683) by calling (573) 751-8343 or by visiting our web page at: [www.dor.mo.gov/mvdl/motorv/forms/](http://www.dor.mo.gov/mvdl/motorv/forms/).

All complaints must be mailed or delivered to:

Motor Vehicle Bureau  
Dealer Licensing Section  
P.O. Box 43  
Jefferson City, MO 65105-0043

The complaints shall be logged into the department's records and shall be kept confidential by the director until such time as formal proceedings are filed with the Administration Hearing Commission, or the Department of Revenue disposes of the complaint in accordance with section 301.562, RSMo.

### **Disciplinary Action**

Pursuant to section 301.562, RSMo the Department of Revenue (DOR) may refuse to issue or renew any license required pursuant to sections 301.550 to 301.573, RSMo for one or any combination of causes stated below. The department shall notify the applicant or licensee in writing at his or her last known address of the reasons for the refusal to issue or renew the license and shall advise the applicant or licensee of his or her right to file a complaint with the Administration Hearing Commission as provided by Chapter 621, RSMo.

The department may cause a complaint to be filed with the administrative hearing commission as provided by Chapter 621, RSMo against any holder of any license issued under sections 301.550 to 301.573, RSMo for any one or any combination of the following causes:

1. The applicant or license holder was previously the holder of a license issued under sections 301.550 to 301.573, RSMo that was revoked for cause and never reissued by the DOR, or that was suspended for cause and the terms of suspension have not been fulfilled;
2. The applicant or license holder was previously a partner, stockholder, director, or officer controlling or managing a partnership or corporation whose license issued under sections 301.550 to 301.573, RSMo was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled;
3. The applicant or license holder has, **within 10 years** prior to the date of the application, been finally adjudicated and found guilty, **or** entered a plea of guilty or nolo contendere, in a prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any business licensed under sections 301.550 to 301.573, RSMo; for any offense, an essential element of which is fraud, dishonesty, or an act of violence; or for any offense involving moral turpitude, **whether or not sentence is imposed**;

4. Use of fraud, deception, misrepresentation, or bribery in securing any license issued pursuant to sections 301.550 to 301.573, RSMo;
5. Obtaining or attempting to obtain any money, commission, fee, barter, exchange, or other compensation by fraud, deception, or misrepresentation;
6. Violation of, or assisting or enabling any person to violate any provisions of Chapters 301, 306, 307, 407, 578, and 643, RSMo, or of any lawful rule or regulation adopted pursuant to these chapters;
7. The applicant or license holder has filed an application for a license which, as of its effective date, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;
8. The applicant or license holder has failed to pay the proper application or license fee or other fees required pursuant to Chapter 301 or 306, RSMo, or fails to establish or maintain a bona fide place of business;
9. Uses or permits the use of any special license or license plate assigned to him or her for any purpose other than those permitted by law;
10. The applicant or license holder is finally adjudged insane or incompetent by a court of competent jurisdiction;
11. Use of any advertisement of solicitation which is false;
12. Violations of sections 407.511 to 407.556, RSMo or section 578.120, RSMo which resulted in a conviction or finding of guilt or violation of any federal motor vehicle laws which result in a conviction or finding of guilt.
13. Any such complaint shall be filed within one year of the date upon which the department receives notice of an alleged violation of an applicable statute or regulation. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of Chapter 621, RSMo.

Upon a finding by the Administrative Hearing Commission that the grounds, provided in sections 301.550 to 301.573, RSMo for disciplinary action are met, the DOR may:

1. Refuse to issue the person a license;
2. Issue a private reprimand;
3. Place the person on probation on such terms and conditions as the DOR deems appropriate for a period of one day to five years;
4. Suspend the person's license from one day to six days; or
5. Revoke the person's license for such a period as the DOR deems appropriate.

Upon the suspension or revocation of any person's license issued under sections 301.550 to 301.573, RSMo, the DOR shall recall any distinctive number plates that were issued to that licensee.

### **Department of Revenue Subpoena Power**

The Department of Revenue (DOR) or its designated representative may issue process, subpoena witnesses, administer oaths, examine books and papers, and require the production thereof, and cause the deposition of any witness to be taken and the costs thereof paid as other costs under sections 301.550 to 301.573, RSMo. Any party may process to compel the attendance of witnesses and the production of books and papers, and at his or her own cost to take and use depositions in like manner as in civil cases in the circuit court.

The subpoena shall extend to all parts of the state, and may be served as in civil actions in the circuit court, but the costs of the service shall be as in other civil actions. Each witness shall receive the fees and mileage prescribed by law in civil cases, but the same shall not be allowed as costs to the party in whose behalf the witness was summoned unless the person who conducts the hearing certifies that the testimony of the witness was necessary. All costs under this section shall be approved by the DOR and paid out of the Missouri Motor Vehicle Commission Fund established in section 301.560, RSMo except that if the DOR determines that any proceedings are brought, prosecuted, or defended without reasonable ground, it may assess the whole cost of the proceedings upon the party who brought, prosecuted, or defended the proceedings.

If any person subpoenaed to appear at any hearing or proceeding fails to obey the command of such subpoena without reasonable cause or if any person attending a hearing or proceeding shall, without reasonable cause, refuse to be sworn or to be examined or to answer a question or to produce a book or paper or to subscribe or swear to his deposition, such person is guilty of a class B misdemeanor and on conviction thereof shall be punished by a fine of not more than \$500, or by imprisonment, and in the case of a continuing violation, each day continuance thereof shall be a separate and distinct offense.

# **DEALER ADMINISTRATIVE RULES TABLE OF CONTENTS**

	<b>PAGE NUMBER</b>
12 CSR 10-26.010 Bona Fide Established Place of Business	40
12 CSR 10-26.020 License Requirements for Auctions, Dealers and Manufacturers	43
12 CSR 10-26.030 License Renewal	45
12-CSR 10-26.040 Fees	46
12 CSR 10-26.050 Business Records Required to be Maintained by Licensees	47
12 CSR 10-26.060 Dealer License Plates/Certificates of Number	47
12 CSR 10-26.070 Procedural Requirements for Wholesale Motor Vehicle Auctions	49
12 CSR 10-26.080 Procedural Requirements for Public Motor Vehicle Auctions	50
12 CSR 10-26.090 Regulation of Off-Premises Shows and Tent Sales	52
12 CSR 10-26.110 Antique Motor Vehicle	54
12 CSR 10-26.120 Procedures for Filing Complaints with the Director of Revenue	54
12 CSR 10-26.180 Temporary Permits Sold by a Registered Missouri Vehicle Dealer	55
12 CSR 10-26.190 Dealers' Monthly Reports	56

Please review the Administrative Rules Section carefully and direct any questions regarding the new regulations to the Dealer Licensing Section at (573) 751-8343.

**Title 12—DEPARTMENT OF REVENUE**  
**Division 10—Director of Revenue**  
**Chapter 26—Dealer Licensure**

**12 CSR 10-26.010 Bona Fide Established Place of Business**

PURPOSE: The department must determine that applicants/licensees such as boat dealers, boat manufacturers, motor vehicle dealers, wholesale motor vehicle dealers, motor vehicle manufacturers, public motor vehicle auctions and wholesale motor vehicle auctions maintain a bona fide established place of business. This rule establishes criteria that may be used in determining if this requirement has been met.

- (1) In order to constitute a bona fide established place of business, hereinafter referred to as a “business location,” for boat dealers, boat manufacturers, motor vehicle dealers, motor vehicle manufacturers, wholesale motor vehicle dealers, public motor vehicle auctions and wholesale motor vehicle auctions—
  - (A) The business location must be a permanently enclosed building or structure either owned or leased. The business location must be actually occupied and primarily used in whole, or in clearly designated and segregated part, as a place of business by the licensee for the manufacturing, selling, auctioning, bartering, trading or exchanging of motor vehicles, trailers or boats.
    1. Example: An applicant for a motor vehicle dealer license maintains a building or structure primarily used in the operation of a business other than the sale or exchange of motor vehicles. As a sideline, the applicant desires to engage in the business of selling motor vehicles. The building or structure used primarily for some other business, other than the selling or exchanging of motor vehicles, does not qualify as a bona fide established place of business for the selling of motor vehicles unless an area is clearly designated and segregated and records are separately maintained for the purpose of selling, bartering, trading or exchanging of motor vehicles or trailers;
  - (B) The business location must be open regular business hours during which the public and the department are able to contact the licensee. Regular business hours for purposes of this rule shall be a minimum of twenty (20) hours per week, at least four (4) of the six (6) days of Monday through Saturday each week. Only hours falling between 6 a.m. and 10 p.m. will be considered by the department in the twenty (20) hour minimum. The business hours shall be posted at the business location. The business location must contain a working telephone (other than a mobile or cellular phone) in the licensee’s name with an advertised public number that must be maintained during the entire period of licensure;
  - (C) The licensee must maintain at the business location the books, records, files and other items required and necessary to conduct the business. Such items shall be accessible for inspection during regular business hours. If a licensee is also licensed as an auction, the auction records must be kept separately from the dealer records;



- (D) Unless otherwise specified, the business location of a licensee other than a wholesale dealer or boat dealer must also contain an area or lot which shall not be a public street upon which one (1) or more vehicles may be displayed.
1. The display area or lot must be of sufficient size to physically accommodate vehicles of the type which the licensee is licensed to sell.
  2. The display area or lot must be used exclusively for display by the licensee and must be situated to prevent confusion or uncertainty concerning its relationship to the licensee.
  3. The display area or lot must provide unencumbered visibility from the nearest public street of the vehicles being sold by the licensee.
  4. Auctions that are also licensed as dealers must maintain a display area or lot separate from the dealership lot for auction vehicles.
  5. A licensee in more than one (1) class of business may use the same building and display area for all classes so long as each use is separately and clearly marked. Records must be maintained separately and separate signs as specified in subsection (1)(E), must be displayed;
- (E) A licensee must display an exterior sign, if applicable.
1. A licensee except a wholesale motor vehicle dealer must display an exterior sign that shall be of a permanent nature, erected on the exterior of the structure or on the display area, constructed or painted and maintained to withstand reasonable weather conditions and the sign must be readable. The sign must:
    - A. Contain the name of the licensee. The name does not need to be identical to the name appearing on the licensee's license, so long as it is registered as a fictitious name with the secretary of state, is approved in writing by the line-make manufacturer, if applicable, and a copy of the fictitious name registration is provided to the department;
    - B. Have letters at least six inches (6") in height;
    - C. Be clearly visible to the public; and
    - D. Comply with local sign ordinances, if any.
  2. A temporary sign may suffice during the period of time required to obtain a permanent sign provided the order for construction, purchase or painting has in fact been placed. A copy of the sign order must be submitted with the application along with a picture of the temporary sign.
  3. A public motor vehicle auction licensee shall display, in a conspicuous manner, two (2) additional signs, each of which shall bear the following warning in letters at least six inches (6") high: "Attention Buyers: Vehicles

sold at this auction may not have had a safety inspection.” The dimensions of each sign shall be at least two feet by two feet (2' x 2'); and

- (F) A new motor vehicle franchise dealer’s business location shall include adequate facilities, tools and personnel necessary to properly service and repair motor vehicles and trailers under the franchiser’s warranty.
- (2) The bona fide established place of business of a licensee must be maintained for the entire licensure period. If the bona fide established place of business is not maintained, the licensee must notify the department within ten (10) days and surrender at that time the licensee’s temporary permits, license and license plates/certificates of number. If the licensee intends to relocate prior to the expiration of the license, the department must be informed of such intent at the time the license is surrendered. If the business is then certified at a new location, the department will return the temporary permits, license plates/certificates of number and issue a new license reflecting the new location for no additional fee. The department or its representative reserves the right to determine the existence of a bona fide established place of business at any time.
- (3) A licensee who changes its business location during the licensure year must notify the department of that change prior to operating at the new site. The following must be submitted to the department:
  - (A) A new application certified by authorized law enforcement that the new location meets the requirements of a bona fide established place of business. “Change of Address” must be indicated at the top of the application.
    - 1. If the business changes locations ninety (90) days or less before the expiration of the current license, a renewal application reflecting the new address should be filed instead of a change of address.
    - 2. If the location change is not effective immediately upon filing the renewal application, a letter indicating the effective date of the address change must accompany the renewal application; and
  - (B) A photograph of the business location that meets the specifications required of new applicants.
- (4) If a licensee changes the business name during the licensure year, the licensee must notify the department of the name change prior to operating under the new name. The following must be submitted to the department:
  - (A) A new application properly completed that indicates “Name Change Only” at the top of the application. The application is not required to be certified by authorized law enforcement;
  - (B) A photograph of the business location that meets the specifications required of new applicants and that clearly shows the business sign displaying the new business name; and

- (C) A corporate surety bond, bond rider, or revision to the irrevocable letter of credit that reflects the licensee's new business name.
- (5) When a licensee changes its business name and/or location, it must also file the change with the Office of the Secretary of State.
- (6) Each business location where a licensee auctions, manufactures, sells or displays motor vehicles, trailers or boats must be licensed separately with the department. However, when a licensee has more than one (1) location in the same city or with the same city mailing address, the licensee may operate under the same name and license number by filing a proper application for each business location with the department and maintaining a bona fide place of business at each location. No additional fees are required for the additional locations in these two (2) cases.
- (7) A licensee may store cars at a storage lot location other than at the licensed business location, provided the department is notified of the storage location and no sales activity occurs on the storage lot.

AUTHORITY: sections 301.553, RSMo 2000 and 301.560, RSMo Supp. 2002.\* Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Aug. 23, 2002, effective Feb. 28, 2003.

\*Original authority: 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; and 301.560, RSMo 1988, amended 1989, 1993, 1995, 1997, 2002.

## **12 CSR 10-26.020 License Requirements for Auctions, Dealers and Manufacturers**

PURPOSE: The department must determine whether applicants who apply for a license as a boat dealer, boat manufacturer, motor vehicle dealer, motor vehicle manufacturer, public motor vehicle auction or wholesale motor vehicle auction pursuant to sections 301.550 to 301.562, RSMo, have met the requirements outlined in the law. This rule clarifies these requirements.

- (1) A separate license is required for each of the following categories of licenses:
  - (A) Motor vehicle dealers and/or motor vehicle manufacturers;
  - (B) Boat dealers and/or boat manufacturers; however, a motor vehicle dealer may purchase and sell up to five (5) vessels during each licensure period without licensing as a boat dealer;
  - (C) Wholesale motor vehicle dealers;
  - (D) Wholesale motor vehicle auctions; and
  - (E) Public motor vehicle auctions.
- (2) An applicant must complete in full the designated application for a license.

- (A) If the applicant is a partnership or corporation and is doing business under another name (d/b/a), the applicant must list its partnership or corporate name and its d/b/a name. For example, John Smith Brothers Incorporated d/b/a Smith Brother's Used Cars. If the applicant is an individual, the business name must also be listed on the application.
  - (B) The business location name and address must be recorded on the application. A post office box number is not acceptable as a business location address.
  - (C) A separate "Mail to" address may only be listed on the application if the local postal authorities confirm, in a letter signed by an authorized representative of the post office, that it cannot or will not deliver mail to the business address due to security reasons such as theft or vandalism. The lack of a proper mail receptacle is not justification for the use of a "Mail to" address.
  - (D) Applicants obtaining a manufacturer's license must submit a letter that lists the makes of all motor vehicles/trailers/boats they will manufacture. If licensing as a "final stage" manufacturer/converter, the makes of all vehicle bodies, i.e., dump, hoist, coach, etc., they will manufacture and a brief description of the business must accompany the application.
  - (E) Each applicant, officer or owner for a license must list on the application his or her driver's license number, birthdate, home address, Social Security number, and/or Federal Employee Identification Number.
  - (F) The application must be certified by an authorized law enforcement agency/officer. Applicants who are licensed within two (2) months of the license expiration period shall not be required to have his or her renewal application certified by a law enforcement agency/officer provided the renewal is filed before the present license expires.
- (3) The corporate surety bond or an irrevocable letter of credit required in section 301.560.1(4), RSMo, shall be filed with the application and shall be maintained for the entire licensure period. The bond or letter of credit must either be irrevocable for the entire licensure period or by its terms require that the bonding company or entity issuing the bond or letter of credit to notify the department at least thirty (30) days prior to the cancellation or revocation date. Failure of the licensee to submit a valid bond or irrevocable letter of credit to the department prior to the date of cancellation/revocation shall result in immediate cancellation and revocation of the license, which shall not be stayed by a request for review.
- (4) The photograph of the bona fide established place of business may be either a black and white or color photograph and must be at least four inches by six inches (4" x 6") but shall not exceed eight inches by ten inches (8" x 10"). Digitized photographs are not acceptable. If more than one (1) photograph is necessary to show the building, lot and sign, if applicable, a statement, signed by the applicant, must accompany the photograph explaining that all photographs were taken at the same address.

- (A) A temporary sign may be used (as set forth in 12 CSR 10-26.010(1)(E)2.). If this is the case, a copy of the sign order and a picture of the temporary sign must be submitted with the application.
- (5) For purposes of the franchise agreement requirement in section 301.559, RSMo, a letter of appointment or similar document signed by an authorized representative of the manufacturer will satisfy this requirement. The document must include the name and address of the franchise, the effective date of the franchise agreement, the expiration date of the franchise agreement, if applicable, and the make(s) of vehicle(s) the franchisee is authorized to sell. The letter must provide for notification to the department at least thirty (30) days prior to cancellation of the franchise. A manufacturer's letter of intent shall not suffice as proof of franchise.
- (6) A new applicant must complete and submit the appropriate form(s) requesting a criminal record check directly to the Missouri State Highway Patrol's General Headquarters along with the appropriate fee. The patrol shall provide the director with the results of the applicant's criminal record check to assist the director in determining the applicant's qualifications as provided in sections 301.559 and 301.562, RSMo.
- (7) If any of the owners, partners, or principal officers (if a corporation) are residents of a state other than Missouri or another country, they must obtain a current criminal record check from their state highway patrol or corresponding law enforcement agency and submit that record check with new and renewal applications.
- (8) The applicant must submit appropriate fees as prescribed in 12 CSR 10-26.040.

AUTHORITY: sections 301.553, 301.559, RSMo Supp. 2000 and 301.560, RSMo Supp. 2002.\* Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Aug. 23, 2002, effective Feb. 28, 2003.

\*Original authority: 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; 301.559, RSMo 1988, amended 1993, 1997; 301.560, RSMo 1988, amended 1989, 1993, 1995, 1997, 2002.

## **12 CSR 10-26.030 License Renewal**

PURPOSE: This rule sets forth the procedures for renewing dealer licenses.

- (1) Renewal applications will be mailed by the department to the registered business address of the licensee at least ninety (90) days before the date of license expiration.
- (A) Renewal applications received by the department less than sixty (60) days prior to the license expiration date must include an additional twenty-five dollar (\$25) processing fee. New applicants who are approved during the last ninety (90) days of the licensure period are not subject to the twenty-five dollar (\$25) additional processing fee at the time of renewal.
- (B) Applications received after the license expiration date must include a fifty dollar (\$50) late fee.
- (2) The department will mail all licenses issued to the registered business address of the licensee. The licenses must be prominently displayed at the place of business.

- (3) For renewal of a license of a motor vehicle dealer or a boat dealer, an applicant must submit all previous monthly sales reports that document at least six (6) sales made during the last year licensed, if the applicant was licensed for the full calendar year. For licensure less than one (1) year, the department will prorate the six (6) sales requirement provided in section 301.550, RSMo, by requiring one (1) sale for each full two (2)-month period licensed.

AUTHORITY: sections 301.550, 301.553, 301.559 and 301.560, RSMo Supp. 1998.\* Original rule filed Nov. 1, 1999, effective May 30, 2000.

\*Original authority: 301.550, RSMo 1985, amended 1993, 1997; 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; 301.559, RSMo 1988, amended 1993, 1997; and 301.560, RSMo 1988, amended 1989, 1993, 1995, 1997.

## **12 CSR 10-26.040 Fees**

PURPOSE: This rule sets forth the fees payable to the department for dealer licenses.

- (1) License fees must be submitted by applicants according to the fee schedule established below:

(A) Motor Vehicle Dealer and/or Manufacturer	\$150
(B) Boat Dealer and/or Boat Manufacturer	\$ 80
(C) Wholesale or Public Auction	\$150
(D) Wholesale Motor Vehicle Dealer	\$150
- (2) An additional fifty-dollar (\$50) fee must be paid by each applicant for the first dealer license plate or certificate of number. Any additional dealer license plates or certificates of number may be obtained for ten dollars and fifty cents (\$10.50) each.
- (3) If a license is lost, stolen or destroyed, the licensee may obtain a replacement license for a fee of eight dollars and fifty cents (\$8.50).
- (4) When application for a license is made after the first month of a registration cycle, the license fee, the fifty-dollar (\$50) fee for the initial dealer license plate and additional plate(s)/certificate(s) of number fees shall be prorated on a twelve (12)-month basis. A renewal applicant is subject to the same fees without proration, regardless of the date the application is received.

AUTHORITY: sections 301.553 and 301.560, RSMo Supp. 1998.\* Original rule filed Nov. 1, 1999, effective May 30, 2000.

\*Original authority: 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; and 301.560, RSMo 1988, amended 1989, 1993, 1995, 1997.

## **12 CSR 10-26.050 Business Records Required to be Maintained by Licensees**

**PURPOSE:** This rule establishes the business records to be retained by boat dealers, boat manufacturers, motor vehicle dealers, wholesale motor vehicle dealers and motor vehicle manufacturers.

- (1) A licensee shall maintain clear and complete books, records, files and other matters required and necessary to conduct the business of manufacturing and/or selling motor vehicles, trailers and/or boats including but not limited to titles, riders, disclosure statements, affidavits, inventory and related documentation.
- (2) The licensee shall have sufficient proof of ownership at the business location for each vehicle/unit owned by the licensee in the form of a certificate of ownership or copy thereof, bill of sale or invoice.
- (3) The business records of a licensee shall be maintained at the office of the licensee's business location.
- (4) A licensee shall maintain business records for a period of not less than three (3) years, unless otherwise specified by law.
- (5) A licensee shall maintain clear and complete copies of all odometer disclosure documents issued and received by the licensee for a period of five (5) years.

**AUTHORITY:** sections 301.553 and 301.560, RSMo Supp. 1998.\* Original rule filed Nov. 1, 1999, effective May 30, 2000.

\*Original authority: 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; and 301.560, RSMo 1988, amended 1989, 1993, 1995, 1997.

## **12 CSR 10-26.060 Dealer License Plates/Certificates of Number**

**PURPOSE:** This rule establishes guidelines for use of dealer license plates/certificates of number.

- (1) Dealer license plates issued to a motor vehicle dealer or manufacturer shall only be displayed on a motor vehicle or trailer owned and held for resale by the licensee.
  - (A) Motor vehicle dealer or manufacturer license plates shall be of standard size (approximately twelve inches by six inches (12" x 6")) and may only be displayed on motor vehicles, trailers, and motor-cycles/motortricycles.
  - (B) Powersport dealer license plates shall be motorcycle-size (approximately seven and one-fourth inches by four and one-eighth inches (7 1/4" x 4 1/8")) and may only be displayed on motorcycles/motortricycles, trailers and personal watercraft.
  - (C) Motor vehicle dealer and powersport dealer license plates may only be displayed on vessels if the licensee owns and holds for resale no more than five (5) vessels during the licensure period.

- (2) A certificate of number issued to a boat dealer shall be displayed on a vessel or vessel trailer owned and held for resale by the licensee. In addition to obtaining a certificate of number, a boat dealer or manufacturer may obtain a boat dealer trailer license plate solely for the purpose of demonstrating a vessel trailer. A certificate of number or boat dealer trailer license plate may be displayed on a vessel trailer which is transporting a vessel for demonstration or to an exhibit or show as long as both units are for resale.
- (3) Dealer license plates or certificates of number may only be used by an employee, owner or officer of the licensee or customer test driving the motor vehicle, trailer or vessel. A customer who is test driving a vehicle or vessel for more than forty-eight (48) hours, or who is test driving a tractor, truck or a trailer under loaded conditions, must have a written demonstration agreement in the vehicle which has been signed and dated by both the customer and the licensee. The written demonstration agreement must be on the licensee's letterhead and include the following items:
  - (A) A statement that the vehicle or vessel is being used for demonstration purposes only and the anticipated duration of the demonstration;
  - (B) A description of the vehicle or vessel, including the year, make and identification number;
  - (C) The name of the customer demonstrating the unit;
  - (D) The licensee's name, dealer number and business address;
  - (E) A statement of the type of property being transported, if applicable; and
  - (F) The mileage on the odometer of the vehicle at the time the demonstration began.
- (4) Dealer plates or certificates of number may not be displayed on a motor vehicle, trailer or vessel that is hired or loaned to others or on any regularly used service or wrecker vehicle.
- (5) A licensee must account for all dealer license plates/certificates of number at all times.
- (6) Whenever a licensee is no longer entitled to a license due to cessation of business, sale of the business, abandonment of the business, suspension or revocation of the license, or other circumstance, the dealer license plates/certificates of number, business license, required monthly sales reports and any unissued permits, if applicable, shall be surrendered to the department immediately, but in no event later than ten (10) days following such circumstance. If a licensee dies or becomes incapacitated, the heirs or estate of the licensee or legal guardian may retain these items for no more than one hundred eighty (180) days after death or incapacitation, or until the license expires, whichever comes first, in which to settle the affairs of the licensee or to apply for a new license in the name of the successor.
- (7) Public motor vehicle auctions and wholesale motor vehicle auctions shall not be issued dealer license plates.



AUTHORITY: sections 301.550 and 301.560, RSMo Supp. 2002 and 301.553 and 301.562, RSMo 2000.\* Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Sept. 23, 2002, effective March 30, 2003.

\*Original authority: 301.550, RSMo 1988, amended 1993, 1997, 2002; 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; 301.560, RSMo 1988, amended 1989, 1993, 1995, 1997, 2002; 301.562, RSMo 1988, amended 1993, 1997.

## **12 CSR 10-26.070 Procedural Requirements For Wholesale Motor Vehicle Auctions**

PURPOSE: This rule outlines the procedural requirements for wholesale motor vehicle auctions as defined in section 301.550, RSMo.

- (1) For purposes of this rule, the term "auction" shall mean, "wholesale motor vehicle auction" unless specified otherwise.
- (2) Auctions shall maintain the following information for five (5) years from the date of sale of any motor vehicle or trailer:
  - (A) The year, make, model and vehicle identification number of the motor vehicle;
  - (B) The name and address of the seller;
  - (C) The name and address of the buyer;
  - (D) The date of sale and the purchase price;
  - (E) The odometer reading of the motor vehicle at the time of sale and odometer disclosure information that complies with the state and federal laws; and
  - (F) The certificate of title number and state of issue.
- (3) Each auction shall maintain for three (3) years a file on each licensed dealer who buys or sells vehicles at the auction. The file must contain the dealership's name, dealer license number, the state(s) where licensed, dealership's address, dealership's owner(s), partner(s) or corporate officers and the name and address of all individuals authorized to buy and sell on behalf of the dealership.
- (4) Any individual conducting a wholesale motor vehicle auction must be licensed pursuant to all applicable laws and make available for inspection all applicable licenses to law officers or Department of Revenue employees. An auction shall maintain a record of each individual performing auctioneering services and the inclusive dates of such services.
- (5) Prior to transfer of title of any motor vehicle at auction, an auction shall review all applicable vehicle documentation for all vehicles sold through the auction including but not limited to the following: certificate of title and odometer disclosure statement, if applicable.

- (A) The auctioneer must announce any title brands known, the condition of the vehicle, any known damage to the vehicle, the odometer reading of the vehicle on the date of sale and whether the odometer disclosure is actual, not actual, exceeds mechanical limits, or exempt.
- (6) Motor vehicles sold at auction are not required to display a Federal Buyer's Guide, unless such vehicles are being sold by a government entity, whose sales are opened to the public as required by law.
- (7) An auction must verify that each dealer who buys and sells at the auction is currently licensed as a motor vehicle dealer in the state of Missouri or another jurisdiction at the time of registration with the auction. Thereafter, the auction shall verify that the dealer's license is valid on an annual basis.
- (8) A certificate of number (license) issued to an auction by the director must be prominently displayed at the auction's bona fide established place of business.
- (9) An auction may only conduct business at its licensed location. Off-site sales are prohibited.
- (10) An auction must issue to the buyer and seller of each vehicle a sales document that contains--
  - (A) The year, make, model and vehicle identification number of the motor vehicle;
  - (B) The name and address of the seller;
  - (C) The name and address of the buyer;
  - (D) The date of sale and the purchase price; and
  - (E) The odometer reading of the motor vehicle at the time of sale.
- (11) Records required by this regulation may be maintained in an electronic format.

AUTHORITY: sections 301.550-301.573, RSMo 1994 and Supp. 1998.\* Original rule filed Nov. 1, 1999, effective May 30, 2000.

\*Original authority: see Missouri Revised Statutes 1994 and Missouri Revised Statutes Cumulative Supplement 1999.

## **12 CSR 10-26.080 Procedural Requirements For Public Motor Vehicle Auctions**

PURPOSE: This rule outlines the procedural requirements for public motor vehicle auctions as defined in section 301.550, RSMo.

- (1) For purposes of this rule, the term "auction" shall mean "public motor vehicle auction" unless specified otherwise.
- (2) Auctions shall maintain the following information for five (5) years from the date of sale of any motor vehicle or trailer:

- (A) The year, make, model and vehicle identification number of the motor vehicle;
  - (B) The name and address of the seller;
  - (C) The name and address of the buyer;
  - (D) The date of sale and the purchase price;
  - (E) The odometer reading of the motor vehicle at the time of sale and an odometer disclosure statement that complies with the state and federal laws;
  - (F) A photocopy of both the front and back of the certificate of title; and
  - (G) Copies of any supporting rider, statement, affidavit, inspection or other document that accompanied the transaction.
- (3) Each auction shall provide access to all records requested by Department of Revenue employees or law enforcement during normal business hours.
  - (4) Motor vehicles shall only be sold at an auction conducted by a licensed auctioneer. The motor vehicle auction must be scheduled and publicized at least one (1) week prior to the sale date.
  - (5) Any individual conducting a public motor vehicle auction must be licensed pursuant to all applicable laws and make available for inspection all applicable licenses to law officers or Department of Revenue employees. An auction shall maintain a record of each individual performing auctioneering services and the inclusive dates of such services.
  - (6) Prior to selling any motor vehicle at auction, an auction shall review all applicable vehicle documentation including but not limited to the following: certificate of title and odometer disclosure statement, if applicable.
    - (A) Prior to selling a vehicle at auction, the auctioneer must announce any brands printed on the title, the condition of the vehicle, any known damage to the vehicle, the odometer reading of the vehicle and any other information on the odometer disclosure statement.
  - (7) Motor vehicles sold at auction are not required to be safety inspected. Auctioneers shall announce at the beginning of each public auction that the vehicles offered for sale may not have been safety inspected. Relevant signs shall be posted as required by statute.
  - (8) Both licensed dealers and the public may attend and buy or sell at a public motor vehicle auction.
  - (9) Motor vehicle auctions shall not accept for sale from a dealer any vehicle without a Federal Buyer's Guide affixed to the vehicle or which does not comply with other applicable state or federal disclosure requirements.

- (10) An auction must verify that each dealer who sells at the auction is currently licensed as a motor vehicle dealer in the state of Missouri or another jurisdiction.
- (11) A certificate of number (license) issued to an auction by the director must be prominently displayed at the auction's bona fide established place of business. A separate license must be obtained by each public motor vehicle auction.
- (12) An auction may only conduct business at its licensed location. Off-site sales are prohibited.
- (13) An auction must issue to the buyer and seller of each vehicle a document that contains--
  - (A) The year, make, model and vehicle identification number of the motor vehicle;
  - (B) The name and address of the seller;
  - (C) The name and address of the buyer;
  - (D) The date of sale and the purchase price; and
  - (E) The odometer reading of the motor vehicle at the time of sale.

AUTHORITY: sections 301.550-301.573, RSMo 1994 and Supp. 1998.\* Original rule filed Nov. 1, 1999, effective May 30, 2000.

\*Original authority: See Missouri Revised Statutes 1994 and Missouri Revised Statutes Cumulative Supplement 1999.

## **12 CSR 10-26.090 Regulation of Off-Premises Shows and Tent Sales**

**PURPOSE:** This rule specifies the requirements a motor vehicle dealer must meet in order to participate in a show or sale conducted away from their bona fide established place of business as provided in section 301.566, RSMo.

- (1) For purposes of this rule, dealers shall be divided into classes, as provided in section 301.550.3, RSMo, as follows:
  - (A) Classic motor vehicle dealer—A dealer of motor vehicles at least five (5) years of age that were produced in limited numbers or otherwise have special value unrelated to basic transportation, excluding recreational motor vehicles, historic motor vehicles, motorcycles, motortricycles and all terrain vehicles;
  - (B) Franchised new motor vehicle dealer—A dealer of new motor vehicles, excluding recreational motor vehicles, motorcycles, motortricycles and all terrain vehicles, and of used motor vehicles for sale. The term “franchised new motor vehicle dealer” is not synonymous with the term “new motor vehicle franchise dealer” as defined in section 301.550.1, RSMo. It is a narrower term that excludes dealers of recreational motor vehicles, motorcycles, motortricycles and all terrain vehicles;

- (C) Historic motor vehicle dealer—A dealer of motor vehicles that are at least twenty-five (25) years old, excluding recreational motor vehicles, classic motor vehicles, motorcycles and motortricycles;
  - (D) Powersport dealer—A dealer who sells, either pursuant to a franchise agreement or otherwise, primarily motor vehicles including but not limited to motorcycles, all-terrain vehicles and personal watercraft as those terms are defined in Chapters 301 and 306, RSMo;
  - (E) Recreational motor vehicle dealer—A dealer of new or used motor vehicles designed, constructed or substantially modified for use as temporary housing quarters, including sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle;
  - (F) Used motor vehicle dealer—A dealer of used motor vehicles, provided that the majority of units sold are not motorcycles, motortricycles, personal watercraft or recreational motor vehicles. The term “used motor vehicle dealer” as used in section 301.550.3, RSMo is not synonymous with the term as used in section 301.550.1, RSMo. As used in this rule, the term is a narrower term that excludes dealers of historic motor vehicles, classic motor vehicles and wholesale motor vehicles; and
  - (G) Wholesale motor vehicle dealer—A dealer of motor vehicles only to new motor vehicle franchised dealers or other used motor vehicle dealers or via auctions limited to other dealers of any class.
- (2) For the purpose of determining pursuant to section 301.566.1, RSMo, whether a majority of the motor vehicle dealers within a class of dealers in a city or town participate or are invited and have the opportunity to participate in an off-premises show or sale, any dealers whose official mailing address is in the city or town shall be included.
  - (3) If motor vehicle dealers from more than one city or town are to participate in the same off-premises show or sale, a majority of the dealers in each such city or town must participate or be invited and have the opportunity to participate.
  - (4) Show, as used in section 301.566, RSMo, shall be deemed to include the stationary display of all or any part of a motor vehicle dealer’s inventory at any location other than the dealer’s usual, bona fide established place of business, regardless of whether sales agents or other dealership employees or owners are present to promote the sale of or to sell the displayed vehicle(s) or to otherwise transact business concerning the dealership, except:
    - (A) Promotions or contests, conducted by a person or business who is not a licensed motor vehicle dealer, which involve the stationary display of a dealer’s motor vehicle as a means of attracting attention to and participation in the promoter’s event, service or product. The dealer providing the motor vehicle must remove all items identifying the dealership from the motor vehicle prior to its display, with the exception of such information as may be required by federal or state law to be displayed on the vehicle. The promoter, not the dealer, may

identify the dealer only by means of a notation on its promotional material stating "vehicle provided courtesy of (name of dealer)" or similar language;

- (B) The display of motor vehicles at meetings of organizations which are open only to members of the organization and not to the general public;
  - (C) The display of motor vehicles at the Missouri State Fair; and
  - (D) Parades in which one (1) or more local dealerships provide motor vehicle from their inventory to be driven as part of the parade.
- (5) Trailers and vessels, including personal watercraft, are excluded from the provisions of this rule.

AUTHORITY: sections 301.553 and 301.566, RSMo 2000 and 301.550, RSMo Supp. 2002.\* Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Aug. 23, 2002, effective Feb. 28, 2003.

\*Original authority: 301.550, RSMo 1988, amended 1993, 1997, 2002; 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; and 301.566, RSMo 1988, amended 1993, 1996, 1997.

## **12 CSR 10-26.110 Antique Motor Vehicle**

PURPOSE: This rule defines "antique motor vehicle" as that term is used in section 301.570.1, RSMo.

- (1) "Antique motor vehicle" means any motor vehicle at least twenty-five (25) years of age.

AUTHORITY: sections 301.550.3 and 301.553, RSMo Supp. 1998.\* Original rule filed Nov. 1, 1999, effective May 30, 2000.

\*Original authority: 301.550, RSMo 1988, amended 1993, 1997; 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997.

## **12 CSR 10-26.120 Procedures for Filing Complaints with the Director of Revenue**

PURPOSE: This rule establishes the procedures for filing complaints with the director of revenue against persons licensed or required to be licensed pursuant to Chapter 301, RSMo.

- (1) The department shall receive and process complaints against a motor vehicle dealer, motor vehicle manufacturer, boat dealer, boat manufacturer, public motor vehicle auction, wholesale motor vehicle auction or wholesale motor vehicle dealer, powersport dealer, leasing company, motor vehicle title service agent, used parts dealer, salvage dealer or dismantler, rebuilder, body shop, mobile scrap processor or persons required to be licensed as such for acts or practices which may constitute one or more violations of Chapters 301, 307 or 407 of the *Revised Statutes of Missouri*.

- (A) All complaints shall be in writing and, at a minimum, shall include:

1. The complainant's name, address and telephone number(s) for home and work, if applicable;
  2. Information regarding the vehicle, vessel, or outboard motor, if applicable, including the year, make, model, identification number, the date of purchase, the mileage information if applicable, and the purchase price;
  3. Information about the person or business the complaint is against, including the name and address of the person or business, the nature of the complaint, whether the complainant has made contact with the owner/manager of the business about the problem, and if so, the outcome, the form of relief the complainant is seeking and list the names of any other agencies contacted regarding the complaint;
  4. Whether an attorney has been contacted or a lawsuit filed; and
  5. The complainant's signature and the date the complaint was signed.
- (A) Complaints may be based upon personal knowledge or upon information and belief, citing information from other sources.
- (C) All complaints shall be mailed or delivered to the Driver and Vehicle Services Bureau, Dealer Licensing Section, PO Box 43, Jefferson City, MO 65105-0043.

AUTHORITY: sections 301.114, 301.218 301.553 and 301.557, RSMo 2000.\* Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Aug. 27, 2003, effective Feb. 29, 2004.

\*Original authority: 301.114, RSMo 1984; 301.218, RSMo 1979, amended 1983, 1986; 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; and 301.557, RSMo 1988, amended 1993, 1997.

## **12 CSR 10-26.180 Temporary Permits Sold by a Registered Missouri Motor Vehicle Dealer**

**PURPOSE:** This rule clarifies the sale by registered Missouri motor vehicle dealers of temporary permits to operate motor vehicles and trailers on the streets and highways of Missouri.

- (1) A registered dealer may provide no more than one (1) temporary permit per motor vehicle or trailer sold by his/her dealership. The temporary permits shall be effective for the number of days provided by law and shall be nonrenewable. No dealer shall sell a permit for use on any motor vehicle or trailer other than a motor vehicle or trailer sold by the dealer or his/her authorized employees at the dealer's own certified place of business except that a franchised motor vehicle dealer may issue a temporary permit for use on a motor vehicle the dealer delivers to a purchaser pursuant to a courtesy delivery arrangement made with another franchised dealer or manufacturer.
- (2) The sale of all temporary permits, except those permits issued pursuant to a courtesy delivery arrangement, shall be recorded in the appropriate space on the

dealer's monthly sales report by notation of the true, accurate and complete permit number next to the corresponding motor vehicle or trailer sale listed.

- (3) A registered dealer may charge no more than the fee prescribed by law for each temporary permit as specified in section 301.140.4, RSMo.
- (4) Upon each sale of a temporary permit, each dealer shall fully complete all information on the temporary permit in accordance with Department of Revenue instructions and complete all appropriate records of issuance found within the booklet of permits. If the permit is issued pursuant to a courtesy delivery arrangement, the dealer issuing the permit must record the words courtesy delivery on the corresponding permit and on the permit record within the permit booklet. The information listed shall be true, accurate and complete. Temporary permits that are spoiled shall be marked void and kept as a part of the dealership's records. The records shall be maintained in booklet form for a period of at least three (3) years for inspection by law enforcement or Department of Revenue officials.
- (5) The Department of Revenue shall use reasonable diligence to ascertain whether the number of temporary permits requested by any dealer is reasonably proportionate to the number of motor vehicle and trailer sales previously reported by the dealer on his/her monthly sales reports. In cases of discrepancy, the department may reduce the number of temporary permits provided to a dealer or refuse a request for temporary permits based upon its findings.
- (6) No temporary permit shall be issued for use on a motor vehicle unless there is a valid certificate of inspection and approval for the particular motor vehicle in accordance with section 307.380, RSMo. Dealers shall enter the true, accurate and complete motor vehicle inspection certificate number on the temporary permit record. No temporary permit shall be issued when the ownership document is a salvage certificate of title.
- (7) Upon a finding that a dealer has failed to comply with any of the provisions of this rule, the department may reduce the number of temporary permits issued to a dealer or refuse a dealer's request for temporary permits.

AUTHORITY: sections 301.140 and 307.380, RSMo 2000.\* This rule previously filed as 12 CSR 10-23.190. Original rule filed Oct. 1, 1985, effective Dec. 26, 1985. Amended: Filed Nov. 13, 1986, effective Feb. 28, 1987. Amended: Filed Nov. 17, 1987, effective April 11, 1988. Emergency amendment filed Oct. 26, 1990, effective Nov. 5, 1990, expired March 4, 1991. Amended: Filed July 2, 1990, effective Dec. 31, 1990. Amended and moved: Filed May 14, 2003, effective Nov. 30, 2003.

\*Original authority: 301.140, RSMo 1939, amended 1947, 1951, 1978, 1979, 1986, 1987 and 307.380, RSMo 1967, amended 1981.

## **12 CSR 10-26.190 Dealers' Monthly Reports**

**PURPOSE:** The director of the Department of Revenue is responsible for receiving dealers' monthly sales reports and secure power of attorney forms. This rule establishes time limits and guidelines concerning the submission of those reports and forms.



- (1) Every motor vehicle and boat dealer must file a monthly sales report on a form prescribed by the director of revenue in accordance with section 301.280, RSMo. This report shall be completed in full and actually received by the Department of Revenue on or before the fifteenth day of the month following the month for which the sales are being reported. (Example: Sales occurring during the month of July must be filed on or before August 15.)
  - (A) If any due date for filing the report falls on a Saturday, Sunday or legal holiday in this state, the report shall be considered timely if it is filed on the next day which is not a Saturday, Sunday or legal holiday.
  - (B) If any monthly sales report required to be filed on or before a prescribed date is delivered after that date by United States mail, postage prepaid and addressed to the Department of Revenue, the date of the United States postmark stamped on the envelope shall be deemed to be the date of filing. Official United States postmarks will suffice as proof of mailing. Reports may also be submitted by certified mail, registered mail or the dealer may obtain a validated certificate of mailing or receipt from the United States Post Office to establish date of mailing.
- (2) If no sales occur in any given month, a report must be submitted for that month indicating no sales.
- (3) No motor vehicle or boat dealer, agent or representative shall willfully or knowingly make a false statement in any monthly sales report required by section 301.280, RSMo and this rule; nor shall the agent or representative omit any information requested or fail to report any sale made by the dealership.
- (4) Every motor vehicle and boat dealer shall retain copies of the sales reports submitted to the Department of Revenue as part of the records to be maintained at the dealership location as provided in section 301.560.1, RSMo and shall hold them available for inspection by appropriate law enforcement officials, and officials of the Department of Revenue.
- (5) Every motor vehicle dealer shall submit the original blue copy of the secure power of attorney form (see 12 CSR 10-23.420) in which the dealer is listed as purchaser and a copy of the corresponding certificate of title with the dealer's monthly sales reports as provided in 12 CSR 10-23.420.

AUTHORITY: sections 32.057 and 301.280, RSMo 2000 and 301.560.1, RSMo Supp. 2003.\* This rule previously filed as 12 CSR 10-23.050. Original rule filed April 14, 1980, effective Sept. 12, 1980. Amended: Filed March 26, 1982, effective July 12, 1982. Amended: Filed Sept. 3, 1985, effective Jan. 26, 1986. Amended: Filed May 27, 1986, effective Aug. 25, 1986. Amended: Filed March 25, 1991, effective Aug. 30, 1991. Amended and moved: Filed June 24, 2003, effective Dec. 30, 2003.

\*Original authority 32.057, RSMo 1979, amended 1980, 1983, 1993, 1994, 1996; 301.280, RSMo 1939, amended 1974, 1983, 1984, 1986, 1988, 1990, 1993, 1997; and 301.560.1, RSMo 1988, amended 1989, 1993, 1995, 1997, 2002.

# ATTACHMENT A



MISSOURI DEPARTMENT OF REVENUE  
DEALER LICENSING SECTION  
**APPLICATION FOR DEALER, AUCTION, OR MANUFACTURER  
LICENSE AND NUMBER PLATE(S)**

MOTOR VEHICLE/BOAT DEALER/AUCTION/MANUFACTURER'S NUMBER(S)	FORM <b>4682</b> (REV. 2-04)
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IMPORTANT: DO NOT WRITE IN SHADED AREAS.  
READ ENCLOSED INSTRUCTIONS.  
"Any false statement in this application is a violation of the law and may be punished by fine or imprisonment or both" (301.420 RSMo).  
**RETURN COMPLETED APPLICATION TO: MISSOURI DEPARTMENT OF REVENUE, DEALER LICENSING SECTION, P.O. BOX 43, 301 WEST HIGH, ROOM 370, JEFFERSON CITY, MISSOURI 65105.**

VALIDATION ONLY - DEALER LICENSING SECTION

1. BUSINESS NAME		MAIL TO: (REQUIRES LETTER FROM POSTAL AUTHORITIES)	
STREET		STREET	
CITY, STATE, ZIP CODE		CITY	
2. TELEPHONE		STATE & ZIP CODE	
3. COUNTY		4. QUANTITY/TYPE OF PLATES ISSUED PREVIOUSLY:	
5. TYPE OF OPERATION(S): <input type="checkbox"/> A. MV/POWERSPORT DEALER <input type="checkbox"/> B. BOAT DEALER <input type="checkbox"/> C. MANUFACTURER <input type="checkbox"/> D. WHOLESALE MV DEALER <input type="checkbox"/> E. BOAT MANUFACTURER <input type="checkbox"/> F. WHOLESALE MV AUCTION <input type="checkbox"/> G. PUBLIC MV AUCTION		MV CYCLE BOAT BOAT TRLR. LICENSURE PLATE FEES: FEES:	
6. LICENSE YEAR		RECORD CHECK FEES:	
7. <input type="checkbox"/> BOND <input type="checkbox"/> IRREVOCABLE LETTER OF CREDIT <input type="checkbox"/> BOND NO.		TOTAL: IF NEW DEALER OR IF CHANGING QTY. OF PLATES, RECORD BELOW AND SUBMIT CORRECT FEES.	
8. TYPE OF UNITS TO BE SOLD/MANUFACTURED. CHECK ALL THAT APPLY. <input type="checkbox"/> E. NEW TRAILERS <input type="checkbox"/> F. USED TRAILERS <input type="checkbox"/> G. NEW POWERSPORTS <input type="checkbox"/> H. USED POWERSPORTS <input type="checkbox"/> I. NEW/USED BOAT TRAILERS <input type="checkbox"/> J. RECREATIONAL MVS <input type="checkbox"/> K. HISTORIC MVS <input type="checkbox"/> L. CLASSIC MVS		MV CYCLE BOAT BOAT TRLR.	
9. LIST FACTORY FRANCHISE TRADE NAMES AND EXPIRATION DATES (ATTACH COPY OF FACTORY FRANCHISE AGREEMENT IF DIFFERENT THAN WHAT IS SHOWN IN THE SHADED AREAS). ATTACH EXTRA PAPER IF NEEDED. CHECK ALL THE CODES WHICH APPLY TO THE FRANCHISE: P - PASSENGER, T - TRUCK, RV, BUS, M - MOTORCYCLE, MOTOR TRICYCLE, A - ATV (NOT NEEDED FOR TRAILERS).			
10. TYPE OF OWNERSHIP <input type="checkbox"/> 1. INDIVIDUAL <input type="checkbox"/> 2. GENERAL PARTNERSHIP <input type="checkbox"/> 3. CORPORATION (STATE OF INCORPORATION): <input type="checkbox"/> 4. LIMITED PARTNERSHIP		BOND CO.	
11. ARE YOU BUYING AN EXISTING DEALERSHIP/AUCTION? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, LIST BUSINESS NAME AND LICENSE NUMBER		BOND EXPIRATION DATE: CODE:	
12. HAVE YOU PLEADED GUILTY OR BEEN FOUND GUILTY OF A CRIMINAL OFFENSE WITHIN THE PREVIOUS 10 YEARS? <input type="checkbox"/> YES <input type="checkbox"/> NO		TOTAL: IF NEW DEALER OR IF CHANGING QTY. OF PLATES, RECORD BELOW AND SUBMIT CORRECT FEES.	
13. HAS YOUR DEALER/AUCTION/MANUFACTURER'S REGISTRATION EVER BEEN DENIED, SUSPENDED OR REVOKED? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, GIVE DETAILS ON A SEPARATE SHEET		MV CYCLE BOAT BOAT TRLR.	
14. HAVE YOU EVER BEEN REGISTERED BEFORE AS A MISSOURI DEALER, AUCTION OR MANUFACTURER? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, COMPLETE THE FOLLOWING:		BOND CO.	
PRIOR DEALER/NAME		BOND EXPIRATION DATE: CODE:	
15. ARE YOU CURRENTLY LICENSED AS ANY OF THE FOLLOWING: <input type="checkbox"/> SALVAGE BUSINESS S # <input type="checkbox"/> LEASE/RENTAL CO. LIR #		TOTAL: IF NEW DEALER OR IF CHANGING QTY. OF PLATES, RECORD BELOW AND SUBMIT CORRECT FEES.	
16. LIST ALL OWNERS BELOW. APPLICANTS RENEWING MUST ALSO COMPLETE.			
OWNER(S)	LAST NAME, FIRST, MIDDLE INITIAL	SOCIAL SECURITY NUMBER	BIRTHDATE
1.			
2.			
3.			
4.			
5.			
I DO SOLEMNLY AFFIRM AND VERIFY THAT THE CONCERNED NAME HEREIN IS A BONA FIDE DEALER, AUCTION OR MANUFACTURER AS PROVIDED BY SECTIONS 301.550 THROUGH 301.573 RSMo, AND I HAVE THE AUTHORITY TO MAKE THE STATEMENTS CONTAINED HEREIN AND TO SIGN THIS APPLICATION. I FURTHER CERTIFY THAT THE CONCERNED WILL MAINTAIN DURING THE ENTIRE PERIOD OF REGISTRATION, FINANCIAL RESPONSIBILITY WITH RESPECT TO EACH MOTOR VEHICLE IT OWNS, LICENSES, OR OPERATES ON THE STREETS OR HIGHWAYS.			
17. SIGNATURE OF OWNER, PARTNER, OR CORPORATE OFFICER LISTED ABOVE →			DATE
INSPECTION/CERTIFICATION - SEE REVERSE SIDE FOR WHO MUST COMPLETE THIS SECTION. I CERTIFY THAT I HAVE PHYSICALLY INSPECTED THE ABOVE LOCATION AND THAT THE APPLICANT'S BUSINESS QUALIFIES AS A BONA FIDE PLACE OF BUSINESS FOR MANUFACTURING, SELLING, OR AUCTIONING MOTOR VEHICLES, ATVS, TRAILERS AND/OR BOATS.			
DATE APPROVED	NAME AND RANK	DEPARTMENT/TROOP/DISTRICT	BADGE NO.
DATE DISAPPROVED	NAME AND RANK	DEPARTMENT/TROOP/DISTRICT	BADGE NO.
REASON FOR DISAPPROVAL			
DEPARTMENT USE ONLY			
WALK-IN	SIGNATURE FOR PLATE DELIVERY	MV	CYCLE
YES		BOAT	B. TRAILER
		DATE REJECTED	REJECTED BY
		LICENSE APPROVAL DATE	APPROVED BY
		DATE KEPT	KEYED BY

AO 860-0303 (2-04) DISTRIBUTION: WHITE - OFFICE CANARY - OFFICE PINK - APPLICANT AFTER APPROVAL BLUE - OFFICE GREEN - CERTIFYING OFFICER



DRIVER AND VEHICLE SERVICES BUREAU  
DEALER'S REPORT DESK  
P O BOX 43, JEFFERSON CITY MO 65105-0043  
(573) 751-8343 [www.dor.mo.gov/mvdl](http://www.dor.mo.gov/mvdl)  
**DEALER'S MONTHLY SALES REPORT**

FORM  
**385**  
(REV. 1-04)

**INSTRUCTIONS**

1. All reports must be completed in full, signed and mailed to the address above.
2. The monthly report is due by the 15th of the following month. The report must contain all sales for the entire month. (Example: January 1st thru January 31st is due by the 15th of February.)
3. A separate report must be submitted for each month. If no sales, enter "NO SALES."
4. **REPORT ALL SALES** - retail/wholesale - motor vehicles, powersport units, trailers, and boats. Powersport units include cycles, all-terrain vehicles and personal watercraft.
5. The ORIGINAL Secure Power of Attorney (DOR-3020) or the second copy of Form 3020S and a copy of the front and back of the corresponding title must accompany this sales report for each vehicle sold, if applicable.
6. **DO NOT REPORT MOBILE HOME SALES OR OUTBOARD MOTOR SALES.**
7. Retain a copy of each report for your records. Refer any questions to (573) 751-8343.

DEalership		DEALER NUMBER								
STREET ADDRESS		BOAT DEALER NUMBER								
CITY, STATE, ZIP		WHOLESALE DEALER NUMBER								
SALES MONTH		SALES YEAR								
TOTAL TEMPORARY PERMITS ISSUED THIS MONTH BY ALL DEALERS:		TOTAL TEMPORARY PERMITS ISSUED THIS MONTH BY BOAT DEALERS:								
TOTAL UNITS SOLD THIS MONTH		TOTAL UNITS SOLD THIS MONTH								
MOTOR VEHICLE DEALERS ONLY (Motor Vehicles, trailers, and powersport units)		MARINE DEALERS ONLY (Boats and boat trailers)								
QTY OF NEW UNITS SOLD		QTY OF NEW UNITS SOLD								
QTY OF USED UNITS SOLD		QTY OF USED UNITS SOLD								
TOTAL SALES		TOTAL SALES								
DATE SOLD	NAME OF BUYER ADDRESS OF BUYER	YEAR MAKE	MODEL STYLE	VEHICLE/BOAT ID NUMBER FROM MSO OR TITLE	TYPE: MW BOAT DUC AV	ODOMETER SETTING	NEW	USED	TEMPORARY PERMIT NUMBER (IF APPLICABLE)	NET PRICE
1.										
2.										
3.										
4.										
5.										
6.										
7.										

AS AN OFFICER, PARTNER OR OWNER OF THE DEALERSHIP, I HEREBY CERTIFY THAT THE STATEMENTS CONTAINED IN THIS REPORT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

X SIGNATURE

TITLE

DATE

MO 860-0334 (1-04)

## ATTACHMENT C

### SAMPLE BOND FOR MISSOURI DEALER

Bond number: \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENT, that I/we \_\_\_\_\_

(Dealership Name)

as Principal, and \_\_\_\_\_, a corporation organized and

(Bonding Company)

existing under the laws of the State of \_\_\_\_\_, and having its principal

place of business at \_\_\_\_\_, as Surety, are held and firmly bound unto the State of Missouri, for the benefit of all aggrieved parties in the penal sum of Twenty-Five Thousand Dollars (\$25,000.00) per license year for the payment of which, well and truly to be made, we bind ourselves, firmly by these presents.

WHEREAS the Principal has applied for the issuance of a Motor Vehicle and/or Boat Dealer's license and presents this bond in accordance with Missouri statute(s).

NOW, THEREFORE, if during the period(s) covered by this bond, the aforesaid Principal shall faithfully comply with the provisions of Missouri statutes applicable to new motor vehicle franchised dealers, used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, and boat dealers, and shall indemnify for any loss sustained by reason of the acts of Principal when such acts constitute grounds for suspension or revocation of the Principal's license, this obligation shall be null and void. Otherwise this obligation shall remain in full force and effect subject to the following conditions:

The proceeds of this bond shall be paid upon receipt by the Missouri Department of Revenue of a final judgement from a Missouri court of competent jurisdiction against the Principal and in favor of an aggrieved party.

The aggregate liability of the Surety to all persons shall, in no event, exceed the amount of this bond during any one license year.

The bond shall be effective \_\_\_\_\_, and shall expire \_\_\_\_\_. (Bond can be listed as "non-expiring" or must list an expiration date through the end of the calendar year).

This bond may be canceled by the Surety giving written notice to the Principal and Missouri Department of Revenue, stating the date of cancellation, which in no event shall be less than thirty (30) days after receipt of said notice by the Director of Revenue; however, the Surety shall remain liable for any and all acts of the Principal covered by this bond up to the date of cancellation.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

PRINCIPAL'S SIGNATURE

WITNESS

\_\_\_\_\_  
Signature of Principal/Dealer (Seal)

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Title

SURETY'S SIGNATURE

WITNESS

\_\_\_\_\_  
Signature of Surety (Seal)

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Title

ATTACHMENT C-1

**ATTACHMENT D**

**IRREVOCABLE LETTER OF CREDIT**

TO: DRIVER AND VEHICLE SERVICES BUREAU  
DEALER LICENSING SECTION  
POST OFFICE BOX 43  
JEFFERSON CITY, MO 65105-0043

LETTER OF CREDIT NUMBER: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_  
(Month, Day, Year)

EXPIRATION DATE: NON-EXPIRING UNLESS  
CANCELLED AS PROVED HEREIN

On behalf of \_\_\_\_\_  
(Dealership Name as Listed On Dealer Application)

located at \_\_\_\_\_  
(Street) (City) (State) (Zip)

I/we hereby issue our irrevocable letter of credit, in favor of the Missouri Department of Revenue in the penal sum of twenty-five thousand dollars (\$25,000.00) available by your draft at sight.

Drafts under this irrevocable letter of credit must be accompanied by a final judgment received by the Missouri Department of Revenue and issued by a Missouri court of competent jurisdiction against the dealer and in favor of an aggrieved party.

WHEREAS, the dealer applicant has applied for the issuance of motor vehicle and/or boat dealer's license and presents this irrevocable letter of credit in accordance with the statute.

NOW, THEREFORE, this letter of credit shall be conditioned upon dealer's faithful compliance with the provisions of the statutes applicable to new motor vehicle franchised dealers, used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, and boat dealers, and this letter of credit shall be an indemnity for any loss sustained by any person by reason of the acts of the dealer when such acts constitute grounds for the suspension or revocation of the dealer's license.

The aggregate liability of the issuing financial institution during any one license year, shall in no event, exceed the amount of this irrevocable letter of credit.

THIS OBLIGATION SHALL BE DEEMED AUTOMATICALLY RENEWED ON AN ANNUAL BASIS. THE ISSUING FINANCIAL INSTITUTION MAY CANCEL THE LETTER OF CREDIT AND BE RELEASED FROM FUTURE LIABILITY HEREUNDER BY DELIVERING THIRTY (30) DAYS PRIOR, WRITTEN NOTICE TO THE MISSOURI DEPARTMENT OF REVENUE AT THE ADDRESS SHOWN ABOVE. CANCELLATION SHALL NOT AFFECT ANY LIABILITY INCURRED AND ACCRUED HEREUNDER PRIOR TO THE TERMINATION OF THE THIRTY (30) DAY PERIOD.

ATTACHMENT C-2

**ATTACHMENT D**

FURTHER, THIS LETTER OF CREDIT WILL REMAIN IN FULL FORCE AND IN EFFECT FOR FIVE YEARS AFTER SUCH CANCELLATION FOR ANY LIABILITY INCURRED DUE TO ACTS OF THE DEALER WHICH OCCURRED PRIOR TO THE EFFECTIVE DATE OF SAID CANCELLATION.

We hereby assure the Missouri Department of Revenue that drafts drawn in conformity with the terms of this letter of credit will be duly honored on presentation.

This letter of credit is issued subject to Article 5 of the Uniform Commercial Code.

In witness thereof, we have duly executed the foregoing this

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Name of issuing Financial Institution: \_\_\_\_\_

Authorized Official for Financial Institution: \_\_\_\_\_  
(SIGNATURE)

( ) \_\_\_\_\_  
(PHONE NUMBER) (TITLE)

Address of Financial Institution: \_\_\_\_\_  
(STREET)

\_\_\_\_\_  
(CITY) (STATE) (ZIP)

Witness to Issuer's Signature: \_\_\_\_\_

Signature of Dealer: \_\_\_\_\_

Witness to Dealer Signature: \_\_\_\_\_

## ATTACHMENT E

### CHECKLIST FOR BUYING AND SELLING A MOTOR VEHICLE WITHOUT A TITLE

*(This applies only when the seller's motor vehicle title has been lost, stolen, mutilated, or destroyed.)*

#### **Purchasing the vehicle without a title:**

The dealer must receive from the seller:

- ☐ A signed sales contract;
- ☐ If mileage is required, a notarized Power of Attorney (POA) to sign the application for duplicate title (unless the seller actually signs the application) and a secure POA (DOR-3020S) to assign the duplicate title.

**NOTE:** The seller and purchasing dealer may complete Section A of the department's new secure POA (DOR-5086) once it's available in lieu of the above forms. Section A will allow the dealer to sign and make the odometer disclosure on behalf of the seller on the first title assignment after the duplicate title is received.

If no mileage disclosure is required, a notarized POA may be used to both apply for the duplicate title and make the assignments for the seller once the duplicate title is received.

- ☐ Physical delivery of the vehicle.

**NOTE:** The purchase is subject to any liens that are perfected and not released. The dealer must also verify that the seller is the last titled owner.

#### **Selling the vehicle without a title:**

The dealer must provide the purchaser:

- ☐ A signed sales contract;
- ☐ Proof the dealer acquired the vehicle from the last **titled** owner in the form of a DOR Internet record look-up screen print, other DOR record search, or a Car Fax search;
- ☐ A notarized lien release on the lienholder's letterhead or a Notice of Lien Release (DOR-4809) if applicable;
- ☐ An Internet or other DOR record showing no child support liens on the vehicle (See [www.dort.mo.gov/mvdl/motorv/childlien/](http://www.dort.mo.gov/mvdl/motorv/childlien/));
- ☐ A copy of the duplicate title application in the previous owner's name and a copy of the POA's the dealer received from the seller.

**NOTE:** The selling dealer and the purchaser must complete Section B of the secure POA (DOR-5086), once the new form is available, if the dealer is selling the motor vehicle prior to receipt of the duplicate title. Section B authorizes the dealer to sign on behalf of the purchaser and make the odometer disclosure on the second title assignment of the duplicate title.

**NOTE:** The purchaser may not make application for title until the dealer provides the assigned duplicate title and secure POA to him/her.

## CHECKLIST CONTINUED FOR BUYING AND SELLING A MOTOR VEHICLE WITHOUT A TITLE

Obtaining a duplicate title in the seller's name:

The motor vehicle dealer must:

- ☐ Apply for the duplicate title in the name of the seller within five business days of purchase by submitting:
  - ( ) A notarized duplicate title application, DOR 108 (*The Mail-To section must list the dealer's name/address.*);
  - ( ) A notarized POA (*only required if the seller has not signed the application*);
    - The dealer may attach a completed **copy** of Section A of the new secure POA (5086) in lieu of the notarized POA once the new form is available.
  - ( ) Notarized lien release documented on the lienholder's letterhead or the Notice of Lien Release (DOR-4809), if applicable.
  - ( ) An \$8.50 title fee, \$5 quick fee, if applicable, and \$2.50 processing fee. It is recommended that the dealer request a quick title to expedite the duplicate title so the purchaser has time to apply for the title and the purchaser's temporary 30-day permit does not expire (if applicable).
- ☐ Assign and deliver the duplicate title with the secure POA attached (DOR 3020S or DOR 5086) to the purchaser within five business days of receipt (notarized POA is acceptable if no mileage disclosure is required);
  - ( ) The dealer must complete the first assignment on the duplicate title signing as purchaser and signing on behalf of the seller as POA, using the odometer information and purchase date from the secure POA.
  - ( ) The dealer must complete the second assignment as seller and obtain the signature and printed name of at least one of the purchasers for all vehicles subject to mileage disclosure. The date of the sales contract should be used as the purchase date.
    - The dealer cannot use a POA to sign for the purchaser on the second assignment unless the dealer had the purchaser complete the new secure POA (DOR-5086), Section B.

**NOTE:** If the new secure POA (DOR-5086) is used, the dealer must:

- ☐ Complete the first and second assignments on the duplicate title as authorized by sections A and B of the DOR-5086;
- ☐ Inspect the title to ensure the mileage on the duplicate title is consistent with what was recorded on the POA and complete Section C of the POA;
- ☐ Retain a copy of the DOR-5086 for their records; and
- ☐ Attach the original POA to the duplicate title when it is received and mail or deliver the documents to the purchaser to submit with their application for title.
- ☐ Obtain a written receipt from the purchaser upon physical delivery of the title or a postage prepaid, return receipt, if the title is mailed.